SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 564, I call up the bill (H.R. 4865), to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits, and ask for its immediate consideration in the House. The Clerk read the title of the bill. Pursuant to House Resolution 564, the bill is considered read for amendment.

The text of H.R. 4865 is as follows:

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 Benefits Tax Relief Act of 2000”.

SEC. 2. REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.
(a) RESTORATION OF PRIOR LAW FORMULA.—
Subsection (a) of section 86 of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) one-half of the social security benefits received during the taxable year, or
“(2) one-half of the excess described in subsection (b)(1).”

(b) REPEAL OF ADJUSTED BASE AMOUNT.—
Subsection (c) of section 86 of such Code is amended to read as follows:

“(c) BASE AMOUNT.—For purposes of this section, the term ‘base amount’ means—
“(I) except as otherwise provided in this subsection, $25,000,
“(II) $32,000 in the case of a joint return, and
“(III) zero in the case of a taxpayer who—
“(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and
“(B) does not live apart from his spouse at all times during the taxable year.”

(c) CONSEQUENTIAL AMENDMENTS.—
(1) Subparagraph (A) of section 871(a)(3) of such Code is amended by striking “85 percent” and inserting “50 percent”.

(2) Paragraph (3) of section 121(e) of such Code is amended by striking subparagraph (B).

(3) Paragraph (3) of section 121(e) of such Act is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(4) Paragraph (2) of section 121(e) of such Act is amended in the first sentence by striking “(1)(A)” and inserting “paragraph (1)”.

(d) EFFECTIVE DATE.—
(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 2000.

(2) Subsection (a) of section 86 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) IN GENERAL.—Gross income for the taxable year of any taxpayer described in subsection (b) (notwithstanding section 207 of the Social Security Act) includes social security benefits in an amount equal to the lesser of—

“(A) is married as of the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such year, and
“(B) does not live apart from his spouse at all times during the taxable year.”

SEC. 3. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.
There are hereby appropriated to the Hospital Insurance Trust Fund established under section 1817 of the Social Security Act amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 4865, as amended, is as follows:

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(1) Subparagraph (A) of section 871(a)(3) of such Code is amended by striking “85 percent” and inserting “50 percent”.

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(c) CONFORMING AMENDMENTS.—

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H7153

Printed on recycled paper.
Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4865. This is a bipartisan bill to repeal the 1993 tax on Social Security benefits. Several Democrats and four Democrats in the Senate voted to repeal the tax just 2 weeks ago. So like other common sense tax relief bills that this House has approved this year, there is once again bipartisan support.

Seniors should not be taxed on their Social Security benefits, period. Social Security checks should not arrive in the mailbox with a bill from the IRS attached.

President Clinton and Vice President Gore created this tax on Social Security benefits to reduce the deficit. In 1993, the deficit was $255 billion a year. This year the surplus is $233 billion. We have no deficit and it is time to repeal the tax.

Seniors work their whole lives to earn these benefits. They should not have to pay taxes on them when they retire.

In effect, this tax changes the rules of the game in the middle of the lifespan of a worker in this country. They believe they will get benefits of a certain economic value. This takes away the value of those benefits.

There are many reasons to repeal this tax. There are many ways to finance thresholds are not indexed for inflation. Almost 10 million seniors pay the tax today and more than 20 million retirees will be hit soon. This tax is a clear and present danger to their retirement security.

Second, taxing Social Security benefits is not good tax policy. Last week, this House voted overwhelmingly to prevent the American government to save for retirement. What are we telling Americans by taxing these Social Security benefits? We are telling them not to save, because only if they save during their lifetime and have any other income are they faced with this tax. That does not make sense, particularly at a time when we need private savings in this country more than ever before.

Third, this tax serves to undermine Social Security. In a letter, AARP says the following, and I quote, "The 1993 tax may serve to undermine the program. Dramatic changes that substantially erode net benefits will further undermine public confidence that the Social Security system will provide a fair return to beneficiaries."

At this point, I would include that letter in the RECORD.


Hon. BILL ARCHER, Chairman, Committee on Ways and Means, House of Representatives, Washington, D.C.

DEAR CHAIRMAN ARCHER: In the interest of time, I add the benefit of Representative Cardin's question at the January 19th hearing regarding a rationale for taxing Social Security income differently from private pension income. I would appreciate your inserting my written response in the appropriate place in the hearing record. I would maintain that Social Security is like a private pension, and therefore should be taxed more like a pension. While both programs provide income in retirement, the purpose of Social Security is not a private pension. Social Security is a mandatory, government-sponsored, portable program with almost universal coverage. The private pension system, by employer-established program that is rarely portable and covers less than fifty percent of the workforce. Social Security is based on a progressive benefit formula that provides a greater rate of return for low-wage earners.

The private pension system is based on myriad plan designs that more often favor the relatively higher income earners. Social Security is partially prefunded with generally no access to contributions before retirement (or disability). Private pensions are generally advance-funded, and access to money pre-retirement is common. Social Security is social insurance and is the base of retirement security. Private pensions represent a privately sponsored, tax-subsidized income supplement.

Those who argue that Social Security should be taxed as a pension may recognize these substantial policy differences. In fact, policy goals often have led to different tax treatment where fundamental differences exist. For example, the tax code treats mortgage interest as fundamentally different than rental payments (even though both are for housing), and employer provided health benefits different than wages (even though both are forms of compensation). Similarly, Social Security is appropriately taxed differently than a pension.

The 1993 tax may serve to undermine the program. By adding additional taxes to an already progressive Social Security benefit formula, these changes risk undermining the widespread public support the system enjoys. Dramatic changes that substantially erode net benefits will further undermine public confidence that the Social Security system will provide a fair return on contributions.

Once again, thank you for letting the American Association of Retired Persons testify at the January 19th hearing.

Sincerely,
ROBERT SHREVE, Chairman, AARP Board of Directors.

Finally, let me underscore that this bill protects Medicare because it requires that the annual general revenue transfer to Medicare be increased by an amount equal to revenues generated by this tax.

Every Member of the House knows that Congress routinely transfers general revenues to Medicare. Perhaps in the beginning this consideration was appropriate. I myself wish that we had never inserted general Treasury money into the Medicare Trust Fund, but it has happened. All we do is continue the very same process. So this bill would not set any precedent whatsoever.

On the contrary, the bill maintains Medicare's current financing; and Medicare's Office of the Actuary confirms that. If Medicare were threatened in any way, shape or form by this bill, AARP would certainly be opposed, and they are not. So it is time to repeal this tax on millions of seniors. It is unfair. It is
unnecessary, and it harms the retirement security of millions of Americans now and in the years to come.

Now, some may make the argument that this is not fiscally responsible, but I would turn that right back to them and say that under the Medicare system which this bill money to pay down the deficit, would they choose to tax senior citizens on their retirement benefits? And the answer would be a resounding no.

If we want that route then perhaps those who believe in it they would propose that we tax 10 percent of the senior citizens’ Social Security benefits because of their concern about fiscally responsible.

I think that is fiscally responsible, and it is fair and it is right. I urge a strong bipartisan vote for this bill.

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

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

Mr. Speaker, I rise in opposition to this bill, not in support of taxes but in support of fairness and in support of the Medicare system which this bill gravely endangers for the seniors in our country.

This bill confirms what we Democrats in Congress and the American people have long suspected, that the Republicans do not govern with a budget but with a tax-cut-a-day plan. If it is a tax cut, it is in the Republican budget, no questions. But there is a danger in this bill. There is unfairness in this bill, and I want that the public and my colleagues realize that.

This bill, first of all, takes $10 billion a year or thereabouts out of the Medicare Trust Fund. It removes dedicated revenues. The Republicans say, oh, we are not taking the money out of Medicare; trust us.

It is clear there will no longer be a dedicated tax revenue, but we can trust the Republicans to make sure that they protect Medicare, just as they asked us to trust them to make sure that HMOs did not pull out of Medicare and leave seniors without important coverage.

These may be the same requests to trust the Republicans to lock away Medicare in a lockbox. Aha. Then with this very bill, we broke open the lockbox and we are spilling the contents of that lockbox into the pockets of a very few Social Security beneficiaries, the very richest ones. These are the same Republicans asking us to trust them with Medicare that have asked us to trust them to keep a budget and then invented gimmicks to get around their own budget.

Many of the Republicans have never liked Medicare from the beginning. Former Leader Robert Dole admitted, I was there fighting the fight, 1 of 12 voting against Medicare in 1965 because we knew it would not work. Our former Speaker said if they couldn’t get rid of Medicare they would let Medicare wither on the vine, and our own majority leader once called Medicare a program I would have no part of in a free world.

Those are not the leaders to which we should trust the medical care of our seniors.

As a matter of fact, if indeed we want to give $10 billion back to Social Security recipients, and we might very well do so, it would cut all of the seniors’ part B premiums in half. $10 billion would give every senior in the country $250 a year in a refundable tax credit which they could use to perhaps pay for a prescription drug benefit, which the Republicans now say it could be used for a whole host of things, instead of giving just 6 or 7 million seniors all of this generosity. What happens to the other 35 million Social Security beneficiaries? They get nothing, and they risk losing their immediate care benefits if the Republicans continue down the path of draining the Medicare Trust Fund in the name of tax cuts to the very wealthy.

So, Mr. Speaker, I urge that my colleagues look carefully at this bill. It is not what it purports to be. It is a gift, an enticement to the very rich, who may very well be Republicans, but it cuts $80 percent of the Social Security beneficiaries from any benefits and it puts at risk the viability of the Medicare system just one more way.

We have watched the Republicans try and privatize Social Security. We have watched them try and privatize Medicare. We have seen them vote in our committee. The gentleman from Florida (Mr. SHAW) voted twice in our committee to deny his senior constituents a discount on pharmaceutical drugs at no cost to the Federal Government.

How can we trust leaders like that to protect our Medicare system when they are on the record time and time again of trying to deny seniors access to pharmaceutical drugs?

So this is a ploy. This is a ploy to ignore the President’s outreach to say I have tabled the proposal. If a pharmaceutical benefit would be agreed to; if a package is put together we can work together and we can talk about something that is reasonable in the light of the spending that will be necessary. But, no, it is all or nothing. It is another huge tax cut to a very few wealthy people and another attempt to destroy Medicare as we know it.

I urge my colleagues to oppose this bill.

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

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

Mr. Speaker, I am sure that my friend, the gentleman from California (Mr. STARK) did not mean to mislead, but the words that he spoke were not accurate. The monies that are currently going into the Medicare Trust Fund are from general Treasury, from income tax revenues.

Now, the argument against that by the gentleman in 1993 when it happened. We are simply replacing one stream of income tax revenues with a stream from other sources so that the same number of dollars go into the Medicare Trust Fund. In no way is Medicare harmed. The gentleman knows that. It is not subject to appropriations every year. It is an entitlement under our bill, which will hold fast just as much as any other entitlement program, $10 billion. Because, yes, any Congress can take any benefits away. They can do anything, unless it is written into the Constitution, but this will have the same degree of validity, stability and support as any other entitlement program. I think the gentleman knows that.

Of course, this tax that was unfairly put on senior citizens in 1993 was a product of one vote, done totally by the Democrat majority, and they cannot stand to give up what they put on the books.

They have to defend it. Many of them know it is wrong. Some of them co-sponsored our legislation, because they know it is wrong. It is one thing to say we should tax Social Security benefits the same as we tax private pensions; this goes far beyond that and taxes more adversely on Social Security beneficiaries than the Republicans tax on private pensions. It is basically wrong, and it is time to repeal it.

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

Mr. STARK, Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), our minority whip.

Mr. BONIOR, Mr. Speaker, I thank the gentleman from California foryielding me this time.

Mr. Speaker, not very long ago I read about a man who won $5,000.00 in the State lottery, and when he was asked what he planned to do with the money, he said, I am going to go to Vegas.

Well, it is not uncommon, I think, for some lottery winners to do that, to gamble the money away; that happens for those who have a propensity to gamble. But it is unconscionably wrong when lawmakers try to do the same thing with public dollars, and that is what I believe the Republican program is all about.

If we add up all the costs of the Republican programs and tax expenditures, we are coming close to $1 trillion, and then we add in all of the budget issues that revolve around this issue, as the gentleman from South Carolina (Mr. SPEAR) has so eloquently demonstrated. That shows that we are talking about another $1 trillion, we are talking $2 trillion, and what that does is eat up virtually all, in fact, it does eat up all, of the proposed surplus over the next decade. Gone. We do not even know if that surplus is going to be there in the first place anyway, because we do not know what is going to happen in year 4, 5, 6, 7, 8, or 9.

Mr. Speaker, make no mistake about it. The Republicans have gone on a gambling junket with America’s surplus, and they are telling American families to pick up the tab. The dollars

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Mr. Speaker, make no mistake about it. The Republicans have gone on a gambling junket with America’s surplus, and they are telling American families to pick up the tab. The dollars
they need for better schools? Spent. The dollars to clean up the environment? Spent. To strengthen Social Security? Spent. To pay down the national debt? Gone, spent.

The fact is, Mr. Speaker, the Republicans are saying the next generation will get a lot less while little else but empty promises and an enormous, enormous Federal deficit.

Also, something else. It would saddle them with something else: their parents’ prescription medicine bills. Because if the Republicans have their way, America will not have the money to provide the prescription drug benefits that people need, real benefits that are guaranteed, that are part of the Medicare system, and that have decent catastrophic coverage.

Now, why would our friends on the other side of the aisle raid Medicare? Well, Willie Sutton once said when asked why he robs banks, he says, well, that’s where the money is; and our Republicans, believe me, believe that is where the money is, in the Medicare account. But if they look closer, they will realize that Medicare is no cash cow. Since 1997, in my own State, Michigan hospitals have absorbed $2 billion in Medicare cuts. We have closed 29 nursing facilities. We have had 10,000 Michigan health care workers lose their jobs since 1997, 10,000 good jobs.

Now the Republicans are telling us, Medicare ought to be able to make due with less.

Mr. Speaker, there is an old proverb that says, “The best throw of the dice is to throw the dice away.” Today is a time to stop the Republican gambling junket once and for all. It is time to invest in Medicare, to strengthen Social Security, to pay down this debt, this national debt, this national disgrace that we have, and to provide for targeted tax relief for seniors and middle-income Americans.

It is time to decide that we have a responsibility never to lead this country adrift in the red ink that we have recently seen over the previous decades and that we have gotten ourselves out of due to courageous action on the part of this party that I proudly associate myself with.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Florida (Mr. SHAW) will control the time previously allocated to the gentleman from Texas (Mr. AR-CHER).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Florida, the chairman of the Subcommittee on Social Security.

Mr. Speaker, I found it interesting to hear my good friend, the minority whip from Michigan, talk about Las Vegas, because perhaps there are those in this Chamber who contemplate a future career opening for Jerry Vale along the lines of an insult comedian. Because, Mr. Speaker, I am sure, quite unintentionally, in this Chamber served to insult the intelligence of the American people, and particularly the very seniors, Mr. Speaker, that our friends on the left claim to care so much about.

For this House will do today, in bipartisan fashion, is to strike a blow for tax fairness and remove the ultimate theft of money from the people who most need it. The gentleman from California (Mr. STARK) a few moments ago talked about how this would only help the wealthy few. Well, I guess there are different definitions for words in this grand land of ours, and people are free to use Orwellian definitions, when, in fact, what we want to do is that the seniors who are single and earning $34,000 a year and married couples who are earning $44,000 a year have their Social Security taxes reduced. These are the wealthy few.

Mr. Speaker, how sad, the shameful cliche of the left, always embracing emotion and interesting definitions that fly in the face of fact.

The other fact is, there seems to also be confusion about the status of the wealthy, since we apparently find that those earning $30,000 are “wealthy” by the definition of our friends on the left, but there is also confusion in terms of the date on the calendar. Apparently, our friends believe this is the final day of October, it is the day to scare folks, it is Halloween. So they hope to scare seniors by saying there is a raid on Medicare.

Mr. Speaker, we should not dare believe it. Our friends on the left continue to take revenue streams from the general accounting fund, the general revenue. We do not raid Medicare, we strengthen it, and we strengthen seniors by lowering their taxes.

I stand in support.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MATSUI), the ranking member of the Subcommittee on Social Security.

Mr. MATSUI. Mr. Speaker, I would like to thank the gentleman from California (Mr. STARK) for yielding me this time.

So far, in the last 6 months, my Republican colleagues, in all of their tax bills that they have gotten through the House of Representatives, basically have spent $739 billion, almost $1 trillion if we count the debt service that goes with this. The breakdown of these tax cuts is if one makes $50,000 a year, one will be getting about $15,000 annually on these tax cuts. If one makes $90,000 a year, which most Americans do, that average tax cut will be about $250 per year. So everybody gets a little, but we know the wealthy are going to get tremendous tax breaks out of this.

Now, what this bill does, basically, is reduces the amount of taxation on Social Security benefits. The problem with this, the problem with this bill is that all of the revenues from this goes into the Medicare trust fund.

The Republicans are saying, well, they are going to make this up with the budget surplus, and all of us have heard that we are going to have over the next 10 years about $2.2 trillion in budget surpluses outside of the Social Security system.

The problem is, Mr. Speaker, our colleagues, our Republican friends, have spent that money already.

If we look at this graph here, we have $2.2 trillion in budget surpluses, we have $361 billion that has to be set aside for the Medicare trust fund. They spent $739 billion on tax cuts, plus another $183 billion for extension of the alternative, changing the alternative and tax and changing the expiring tax provisions. Then, if we just talk very modestly, the Republicans have already spent $739 billion on tax cuts, plus another $183 billion for extension of the alternative and tax and changing the expiring tax provisions. Then, if we just talk very modestly, the Republicans have already spent $739 billion on tax cuts, plus another $183 billion for extension of the alternative and tax and changing the expiring tax provisions. Then, if we just talk very modestly, the Republicans have already spent $739 billion on tax cuts, plus another $183 billion for extension of the alternative and tax and changing the expiring tax provisions.

For the record, what this House will do today is to provide prescription drug benefits for Medicare Part D. As the vice president and the Speaker both observed, this is the final day of October, it is the day to scare folks, it is Halloween. So they hope to scare seniors by saying there is a raid on Medicare.

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against it, though, if it is in a package like this, because that is obviously overspending the surplus; and we will create a real problem for future generations.

Mr. SHAW. Mr. Speaker, reclaiming my time, I do not believe I yielded. I do not think that any of the Republican tax reductions that were on this chart are part of this package either.

Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), an esteemed member of the Committee on Ways and Means.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his advocacy of the Social Security system.

Mr. Speaker, it is a fundamental principle that Social Security benefits should be tax free and today, with this legislation, we make essential progress toward restoring that principle. Seniors should not have to shoulder a disproportionate share of the burden for the financial dividend that has existed here in America. Yet under current law, a retired senior with an annual income of $39,600 that includes their savings, a part-time job, and their Social Security benefits, loses $580 that year because of theCHIP tax. That is just not fair.

With a non-Social Security surplus that is expected to top $2.17 trillion in hard numbers, our seniors should not have to continue to pay a tax that was established in 1993 when we were operating with record deficits. As a Republican, since the other side has made this such a partisan debate, I should point out that I am pleased to vote to roll back the Social Security tax that was imposed with Democratic votes only.

Mr. Speaker, this legislation rolls back the tax on Social Security benefits from 85 percent to 50 percent. If we do not repeal this tax, more than 8 million seniors will have to pay an average of $1,180 in taxes on their benefits in 2001. We must also remember that if we do not pass this bill, more and more seniors each year will be forced to pay. The income thresholds built into the current law are not indexed to inflation, meaning that additional people will pay the tax each year and people of more and more limited means. By 2010, at least 13 million seniors would expect to pay an average of $1,359.

Now, some on the tax-hungry left, looking to justify their vote against this vital legislation, may claim that we will be bankrupting Medicare by repealing this tax.

This legislation requires the money from the general revenue already earmarked for Medicare be increased to max the amount that would be lost by rolling back this tax. With a surplus of the size that we have, this is no time to argue against repealing this reactionary tax.

I challenge everyone who purports to be an advocate of Social Security to vote today to remove this anvil from the shoulders of seniors and celebrate the fact that Congress has finally balanced the budget and run a surplus. Vote in favor of this legislation.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from Michigan (Mr. LEVIN) will control the time previously allocated to the gentleman from California (Mr. STARK).

There was no objection.

Mr. MATSU. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN) from the Committee on Ways and Means, the ranking member on the Subcommittee on Trade.

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

Mr. LEVIN. Mr. Speaker, the gentleman from Pennsylvania (Mr. ENGLISH), the preceding speaker on the Republican side, has joined others at throwing darts at the President Clinton and Vice President GORE. About 1993, they are the last ones to do that, the last ones who should be doing it.

Here is what the gentleman from Texas (Mr. ARMY) said about the 1993 act: "It is a recipe for disaster." The gentleman from South Carolina (Mr. GINGRICH) said, about that act: "We will come back here next year and try to help you when this puts the economy in the gutter." They were wrong then, and they are wrong now. They are on another debt splurge, turning gold into lead.

The gentleman from South Carolina (Mr. SPRATT) made clear how they have already exhausted the surplus. Their taxes are over $1 trillion. That is neither conservative nor is it compassionate. It is reckless, and it is cold politics.

I finish with this point. They take Medicare monies, and they say they are going to put them back. The Chair of the Committee on Ways and Means said it is just like any other entitlement, and I quote him. Well, title 20 is an entitlement along the lines that they would do with this. They have cut title 20 by 36 percent since 1995. The last people in the world to be trusted with Medicare is the Republican majority in the House of Representatives.

Mr. SHAW. Mr. Speaker, I yield myself, I mean my,sufficient time as I may consume.

Mr. Speaker, we have heard a lot of rhetoric regarding Medicare. I would like to read a paragraph from a memorandum from the Department of Health and Human Services, from the chief actuary, Richard Foster, that is from the Department of Health and Human Services, in which he says that the proposal would have no financial impact on the HI Trust Fund, a financial impact. That is from Health and Human Services. That is not a question of a Republican administration adding this issue. I do think that it is a bogus argument.

The argument before the House is very, very clear. Do we want to give people or continue to tax Social Security benefits at 85 percent of amount they receive for people of income of $34,000 a year or more? To talk about this is some kind of a deal for our rich friends is absolutely ludicrous, unless my colleagues think people making $34,000 a year are rich.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. LEWIS), a member of the House Committee on Ways and Means.

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Talk about historical revisionism, the former speaker talking about 1993. Well, I remember 1993. The Democrats had $5 trillion in debt, $200 billion deficits every year. The taxes kept going up. The deficits kept going up. So I do not think they were handling it very well. It seems to me, over the last 6 years since we have had a Republican majority in this House, the deficits have been eliminated. The surpluses are going up. The taxes are going down. We have not voted for any new taxes in 6 years.

But let me just say this. The other day, when we were debating the Marriage Penalty Relief Act, many on that side kept saying, oh, gosh, yes, this will destroy the Social Security, it will take money away from that, Medicare, prescription drugs. All this is a distraction. We cannot give enough money to married people and their families. Today they are saying we cannot give any tax relief to senior citizens because it will destroy Social Security and Medicare.

But the reality of it is, right after we had that debate on the Marriage Penalty Relief Act, we had foreign aid come up. Every speaker, one right after another, could not give enough money to people of income of $34,000 a year. They worry about prescription drugs. They did not worry about Social Security. They did not worry about Medicare. They wanted to pile on more money. Nothing, nothing harmed them there.

When we talk about bigger and more government programs, there is just, you know, it is fine. We can just spend all the money we want. But that is what got us into trouble to begin with. As we are having these trillions upon trillions of dollars rolling in over the next many years, we need to allow the American people that are living under a debt burden of 40 percent of their income of local, State, and Federal taxes some tax relief.

It is about fairness. It is about letting our senior citizens keep more of their money and our married families, also.

Mr. MATSU. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts.

(Mr. NEAL of Massachusetts asked and was given permission to revise and extend his remarks.)
Mr. NEAL of Massachusetts. Mr. Speaker, we meet once again to debate the tax cut de jour. Some of the proposals the Republicans have insisted on are strictly for the very wealthy, like the estate tax repeal. Some are spread out more evenly, like the across-the-board tax cuts. But all of this legislation is aimed at the November elections.

Let us acknowledge one thing clearly today. The Republicans never liked Medicare to begin with. They certainly did not like its provision for a prescription drug benefit. But what they attempt to do with this line of reasoning of legislation today is to weaken the Medicare trust fund.

Under current law, the revenue generated from this tax that is being repealed goes into the Medicare trust fund. So, in effect, all citizens benefit from current law. Eighty percent of the senior citizens will not get anything from this legislation, and 20 percent of the well-off senior citizens will get the whole thing.

Mr. Speaker, I yield my colleagues to ask themselves one question: Is this a good trade-off? If it was such a good trade-off, why did they not do it 6 years ago when they took control of this institution? Why was it not proposed 3 years ago when we had the first major tax bill passed into law?

The reason is that this proposal does not look good when massive deficits are staring one in the face. One cannot not look good when massive deficits are staring one in the face. One cannot not look good when massive deficits are staring one in the face.

We simply eliminate part of that source, which is taxing people of $34,000 and more per year, determined evidently by my friends in the Democrat Party as our wealthy friends. But I can tell my colleagues, to be a senior citizen living on $34,000 a year, to find me one that says that he is wealthy; and I will show my colleagues somebody that must have a trust fund that we do not know about.

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

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member on the House Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I would like to congratulate my Republican friends because they never seem to run out of creative ideas in how to hoodwink the American people. When they had the last tax bill, and it was $792 billion, oh what a big mistake.

But then they learned fast. They did not go to the Committee on Ways and Means and try to work out something before they went to someone that could probably send out a message how to pass a bill that never will become law, make certain that the President is going to veto it before you do it.

So knowing how sensitive senior citizens are to anything that would adversely affect their income, I was excited when the Republicans came up with the idea that they were going to reduce the taxes on some people in Social Security. Whether they were wealthy or not, as a Social Security beneficiary, they wanted to get some type of relief.

But I ask the gentleman from Florida (Mr. SHAW), where does the money come from? If one asks any Social Security beneficiary do they want relief, the answer has to be, yes, and I want it fast. But if one asks them, do you want it fast enough to come out of the Medicare trust fund, then they would say let us take another look.

Now, I know that my colleagues have some way to say that the money in the trust fund is the same as general revenues, but no one believes that. No one believes that the Social Security trust fund and the Medicare trust fund should be treated the same way one would general revenues.

If my colleagues wanted to give them a tax break, why did they not go directly toward these revenues and give them a tax break? The reason they did it is because they want to break the whole idea of entitlement. Once they get entitlements out of the way, then they would know that this precious trust fund that they are turning slowly on the tree, maybe, one day would disappear.

Well, it is not going to work with the seniors, and it is not going to work here in this House of Representatives. Mr. Speaker, I yield my self such time as I may consume.

Mr. Speaker, I say to the gentleman from New York (Mr. RANGEL), and he is my friend, that the Republicans would like to take complete credit for this bill, but we do have allies on his side: the gentleman from New York (Mr. NADLER), the gentlemanwoman from New York (Mrs. LOWEY), the gentleman from New York (Mr. DOYLE), the gentleman from West Virginia (Mr. RALL), the gentleman from Michigan (Mr. BARCIA), and the gentleman from New York (Mr. FORBES). They have all cosponsored similar legislation.

Let us go over to the Senate for a moment. Senator Dole is joined by Senator CONRAD, Senator DORGAN, Senator JOHNSON.

Mr. McDermott. Mr. Speaker, the gentleman from Florida (Mr. SHAW) is out of order.

The SPEAKER pro tempore. The SPEAKER pro tempore. The gentleman from Florida (Mr. SHAW) controls the time.

Mr. McDermott. Point of parliamentary inquiry. Mr. Speaker, is the SPEAKER pro tempore, if the gentleman will yield, the Gentleman from Florida (Mr. SHAW) controls the time.

Mr. McDermott. Mr. Speaker, is it proper to refer to a Member of the other body by name?

The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore. It is in order to refer to individual Members of the other body as sponsors of measures.

Mr. McDermott. Mr. Speaker, these people have all voted to repeal this tax, this Republican tax, this Republican tax relief bill. I think it is extraordinarily important to look at what we are doing. This is not a question of doing this for any other reason except to get rid of this tax because this tax is wrong.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise in strong support of the Social Security Benefits Tax Relief Act. In 1993, the Clinton-Gore administration increased the taxes on Social Security, arguably because we had a deficit. But I noticed it, I served notice at the time, that it seemed to be helping to pay for new Federal spending programs. I think that is why every Republican in the House and every Republican in the Senate opposed this increase on Social Security benefits. This tax was created when the Federal Government had a $25 billion deficit.

Today, the deficit is gone. We have increasing surpluses. Yet this tax remains. As a result, seniors' benefits are taxed at rates between 50 and 85 percent. Single retirees whose income exceeds as little as $34,000 are punished with this tax. This is an affront to a generation of Americans who have, by and large, done a good job. Their income from which these benefits are derived has already been taxed. That is the point.
Taking once more these benefits amounts to double taxation for these seniors on Social Security.

This tax results in lower benefits and translates into less income for many of America’s seniors. The time has come to end this double taxation and restore some fairness for America’s seniors. The time has come to end this double taxation and restore some fairness for America’s seniors. The time has come to end this double taxation and restore some fairness for America’s seniors.

Mr. MCDERMOTT. Mr. Speaker, let me begin by stating there is no Member of this body who wants to tax seniors. We are all against that. We would all like to give all the taxes back that we could. But having said that, we also want to give them benefits, Social Security and Medicare.

Now, whatever comes out of this debate, the main point is that this money is coming out of a trust fund for Medicare. Republicans are operating under a theory that a tax cut a day keeps election defeat away, and we have seen one after another after another. The fact is that they are willing to sacrifice what we did in 1993 to bolster the Medicare trust fund. Now that things are going pretty well, they say, well, we do not need to; we can just take the money out of the trust fund and we will put some general fund in.

We will kind of write an IOU on the general fund.

The gentleman from Florida, who is leading this debate on the other side, said, “If you write yourself an IOU, it is not real.” Now, here we have written an IOU to the general fund; we owe this over here to the Medicare trust fund, and they say is it not real. That is what we are talking about here.

When my colleagues get in this election, they will be screaming all over the place when people get ads that say, “You have taken $100 billion out of the Medicare Trust Fund” they will be squealing and hollering and saying, “Yeah, but.” Nobody believes the majority and they do not even believe it themselves or they would not have made this statement about the fact that this money is not real. That is what we are talking about here.

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Mr. HOYER. Mr. Speaker, this is a bad proposal. It is not entitled "supply side economics," it is not entitled "voodoo economics," however, the tax bill we are debating today and its reckless siblings threaten to pull the plug on our unprecedented prosperity and plunge us right back into the dark days of budget deficits.

Even worse, this bill today is a direct threat to the Medicare Trust Fund. To the extent we take funds out of the general fund, they are funds we cannot use to pay down the debt. And to the extent that our extrinsic debt does not go down, our intrinsic debt is tougher. Over the next 10 years, it will drain $117 billion from Medicare. Hear me now: This bill would drain over the next 10 years $117 billion from Medicare.

Whatever shell game my colleagues may argue, those are the facts. Every Member of this House knows the real danger of this bill becomes clear when it is added to the tax cuts we have already passed: $900 billion plus. My colleagues, be fiscally responsible, protect Medicare against this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of the House Committee on Ways and Means.

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

In a letter dated July 24, 2000, the National Council of Senior Citizens described this bill that we are debating today as an irresponsible political gesture to upper-income persons which will have severe consequences for the Social Security System and the solvency of the Medicare part A trust fund.

Today, my colleagues, 12 million Medicare benefits lack prescription drug coverage. Twelve million seniors who, on a daily basis, have to decide, "Do I buy my prescription drugs or do I buy my food? Do I pay my rent or do I pay for my medicine?" Twelve million. And today we are talking about a bill that will take $117 billion out of a system which right now cannot even provide prescription drug coverage to 12 million of those senior citizens.

Mr. Speaker, we are here today debating a bill that absolutely does not do anything for four out of five of those seniors when we talk about tax cuts. Let me say that again because it gets lost in the shuffle of all these words. This is a tax cut bill that will cost $117 billion over the next 10 years; $117 billion that will go to people out in America in a tax cut, who are seniors, but only to one out of every five of those seniors. Four of those five seniors will get nothing because this bill benefits only 20 percent of the wealthiest 10 percent of affluent of our seniors who are retired.

On top of that, we do nothing in the future about prescription drug coverage. We do not talk about doing something on education for our kids, we cannot talk about retiring the debt this Nation has, but what we are talking about is pulling out one of these things we see so often. My colleagues probably know about this. When we go to the store to buy some things and our kids say, "Daddy, can you get me that?" My daughters say that to me all the time. They think I have all sorts of money. So what a lot of people do is say, well, will charge it. Put it on my card. I will charge it again. And before we know it, we have put so much on this card, that somebody has to pay for it. And if it cannot be us, it will be the future.

Let us not do this to the future or to our seniors. Let us not get caught up in politics.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume, and say to the gentleman who just spoke, the gentleman from California, when he talks about prescription drugs. I support making prescription drugs part of Medicare. And I hope this Congress can finally come together in a bipartisan way and approve a plan where we can give our seniors some relief.

The gentleman is absolutely right. There are people out there that are having to make the tough choice between whether to buy groceries or to buy prescription drugs. The problem is a lot of people out there just making a little over $34,000 a year, they do not have a choice as to whether to pay taxes on their Social Security benefits or to buy prescription drugs.

This tax is morally wrong, and that is why we are trying to pass this bill and will pass this bill, and we will get a lot of help from our Democratic friends in doing so.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Committee on Ways and Means.

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

This tax is morally wrong, and that is why we are trying to pass this bill and will pass this bill, and we will get a lot of help from our Democratic friends in doing so.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Committee on Ways and Means.

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

The theme here from the other side is that we are harming Medicare insurance for our seniors. Well, as a Member of Congress and as an individual, that is the farthest thing from my mind. Good Lord willing, one of these days I will all be facing it, God willing.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means.

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

Mr. Speaker, at a time when the demands on seniors for real relief on prescription drugs are thwarted in this House, at a time when this House does absolutely nothing about the pharmaceutical companies that engage in price discrimination against our seniors that literally treat them worse than dogs, at a time when seniors find one health care provider after another who will not take Medicare patients because the reimbursements are so low, at this time, of all times, for the Republicans to come forward and engage in this cynical play is truly wrong.

Having opposed Medicare from its outset back in the days when Lyndon Johnson was working so hard to get it, these Republicans are determined to fulfill the pledge of their so recently departed leader to let Medicare wither on the vine.

That is why the National Council of Senior Citizens has condemned this measure as an irresponsible political gesture. In the words of the "Severe consequences for Social Security and the solvency of the Medicare Trust Fund."

The millions of seniors who rely on Social Security for most or all of their
income will not get anything from this proposal. The gentleman referred to the person who has to choose between groceries and prescriptions. That person is not going to get any relief out of this bill.

Indeed, four out of five seniors will not get a nickel from this proposal that is up before us today. But I guarantee my colleagues that five out of five seniors, every one of them, will be less secure with regard to Medicare if this measure is approved. This measure is approved.

Five out of five seniors, every one of them, will be less secure with regard to Medicare if this measure is approved. This measure is approved.

Mr. Speaker, the former speaker, the gentleman from Florida (Mr. Shaw). Do not be the undertaker for responsibility goes hand in hand with fairness. And this is one of those times when it is time for the House to reject this proposal on the ground that anyone on that side of the aisle will not support this bill.

In any discussion of Social Security, one must remember that the Social Security trust fund. And this would be the Treasury bill, as IOUs. It is a trust fund. We do not want to fill it with IOUs.

The bipartisan Concord Coalition, co-chaired by a Republican, has urged the House to reject this proposal on the grounds of fiscal responsibility and tax fairness. And this is one of those times that making the tough choice for fiscal responsibility goes hand in hand with meeting the needs of our seniors.

They do not want an IOU, I would tell the gentleman from Florida (Mr. Shaw). Do not be the undertaker for Social Security. Stand up for our seniors. Stand up for them. Do not want to fill it with IOUs.

We say to all of the do-not-wither-on-the-vine crowd to keep their hands off the Medicare trust fund.

Mr. Speaker, I yield myself so I may consume.

Mr. Speaker, I would remind the former speaker, the gentleman from Texas (Mr. Doggett), that what he is referring to, the Treasury bill, as IOUs is all that is in there right now. So this makes absolutely no difference.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. Terry).

Mr. Speaker, I rise in support of our senior citizens. We are here today fighting on their behalf.

Mr. Speaker, let me tell my colleagues, a few months ago when I was elected, I went to all parts of my city, my district, and talked to senior citizen groups. And in the low and moderate area of south Omaha, a group of senior citizens told me, "What can we do for you?" Repeatedly they told me of their frustration of being taxed on their Social Security benefits.

I heard that they listened to Roosevelt and that they worked hard, they did what they were asked to do, they paid into the Social Security system, but they had their pension from the meat packing plants and the other factories they worked at in Nebraska and they worked hard to save. But yet, today penalized for that.

They were promised that they would have their Social Security benefits. But what this does by taxing it at 50 percent or even the 85 percent level that we are here to repeal today is we are confiscating their benefits. That is wrong. That is simply wrong.

What that confiscation of their benefits does, that is a back-door way of means testing. It just astounds me that my friends from the other side of the aisle stand up and say they are against means testing. And yet, I ask what in the world will they do to the elderly in their district? They will certainly have an 85 percent tax bracket on half of those benefits based on the amount of income that they have from their pensions and their savings. That is wrong.

So I ask our colleagues on the other side of the aisle, unlike in 1993 when it was nearly unanimous to pass this tax on our senior citizens, join us today and do the right thing, join us for fighting for our senior citizens, letting them keep the benefits that they were promised when they were young workers. Vote for this act.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. Weller), a member of the Committee on Ways and Means.

Mr. Speaker, let me remind some of my good friends on the other side of the aisle in listening to the rhetoric that one of their own appointees over at the Department of Health and Human Services, the official actuary that is respected by both, says now this will have no financial impact on the HI trust fund. Program income would not be affected, and the estimated year of exhaustion of the HI trust fund would continue to be 2035, as under presentlaw. So that is all rhetoric and not fact.

My colleagues, we are talking about lowering taxes on senior citizens. When my friends on the other side of the aisle, I point out that every Republican voted no on placing this tax on senior citizens in 1993, when they voted to impose this new tax of 85 percent on Social Security benefits, it only affected 5 million seniors. They figured it was not even a big deal. But today it punishes or soon will punish almost 17.5 million Social Security beneficiaries.

When the tax took effect in 1994, one in 10 seniors was punished by this tax. Today one in five is punished. And by the year 2010, one in three will be punished by this tax.

It is all about fairness.

When Congress and the President so long ago created this, they said that if they pay in, they are going to get their benefits as part of the deal. Let us make sure they get their part of the deal.

The SPEAKER pro tempore (Mr. Pease). The gentleman from California (Mr. Matsui) has 1/2 minutes remaining, and the gentleman from Florida (Mr. Shaw) has 1/2 minutes remaining and his time is up.

Mr. Matsui. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from New York (Mr. Rangel), the ranking Democrat on the House Committee on Ways and Means.

Mr. Rangel. Mr. Speaker, there is some talk on the other side that there will be no financial impact on the Medicare trust fund. And this would be so if they could be trusted to put the money back in.

This money has to be, did they take the money in the first place? I do not think in their closing statement that anyone on that side of the aisle can deny that if we remove the tax that the Medicare trust fund will be short $10 billion a year. But they say not to worry; trust us.

Have they not played three-card Molly? Do they not know that once we hold what is under the table, if it is not there, we will go to the general revenues and put it back? And that is what makes it having no financial impact.

I would ask the question, what happens if the Congress decides that it has a priority? Maybe we want to take care of prescription drugs. Maybe we want to take care of the Patients' Bill of Rights. Maybe we want to protect the small businessperson or the farmer.

Suppose the speculated surplus does not show up. One thing we know that my colleagues cannot deny is that there is an irreplaceable source and stream of income coming into the Medicare trust fund now.

What they are saying is, let me just take it out and give relief to one-fifth of them at the expense of the other things we may want to do. Mr. Shaw, Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, we have this afternoon talked about from the other side of the aisle just about everything except the taxpayer, just about everything except what is really going on here.

What we are trying to do is to give some relief to our senior citizens, who, incidentally, the monies that they put into the Social Security trust fund were tax-free, these were not pretax dollars. The employee's portion is taxed. So why should we have to say it is taxed when they put it in, and it is taxed when they take it out? That is wrong.

The whole idea of having this thing taxed on only 50 percent is because that was the monies that were put in by the employer that were not ever taxed to the employee. We need to go back to that.

A lot has been said about what are we going to do if we are running the Government at a deficit. Well, I have to remind my colleagues from the other side of the aisle, when this tax was put in place, this was in 1993, the Democrats were in charge of the House of Representatives, and there was a deficit. There was a deficit every year. The money was found. It came out of the general revenue stream.

That is exactly what is going to come out from now. We are just not pin-pointing that it is going to come out of a tax that is morally wrong. It is wrong to tax people on getting their own money back.

Mr. Speaker, I urge a "no" vote on the Democratic substitute, and I would ask for a "yes" vote on the bipartisan tax relief bill.

Mr. Moran of Virginia. Mr. Speaker, I rise today in opposition to H.R. 4865, the Social Security Benefits Tax Reiler Act. Although I do not support this bill, I fully support providing much needed tax relief to recipients of Social Security benefits. For this reason, I will be voting for the Democratic substitute proposal.
'Mr. Speaker, it is imperative to our national strength and prosperity that tough and prudent fiscal strategies be pursued. These strategies have brought this country the largest surpluses and longest economic expansion in history. Unfortunately, on the basis of inherently uncertain projections about the future surplus, members of the other Congress also have chosen to spend the entire surplus on one tax break at a time.

Mr. Speaker, this bill is another in a long series of fiscally imprudent tax cuts passed in this session of Congress which drain our hard-earned budget surplus and put at risk any chance of extending the life of Social Security or Medicare. Specifically, this bill threatens to raise interest rates, slow investment and productivity growth, increase dependence on foreign capital, and compromise our flexibility to deal with potential future budgetary problems. Moreover, this Republican proposal provides relatively few benefits for the vast majority of our working families.

H.R. 4865 will provide about as much relief to the top 1 percent of taxpayers as to the millions of workers who make up the bottom 80 percent of taxpayers. Although we are currently in an era of surpluses, we should not forget that Medicare’s fiscal future is troubled. Part A will begin running cash deficits again by 2010, according to the most recent trustees report. Its cash deficits will grow ever larger, totaling nearly $7 trillion by 2040. Despite these looming deficits, the Republican bill would weaken, rather than strengthen, Medicare financing by depriving the program of roughly $100 billion in dedicated revenues over the next ten years and $464 billion through 2024. Without this income, Medicare Part A will go into the red again on a cash basis 5 years earlier than under current law. This bill will only threaten the viability of the Medicare Program for future generations, but it will force an even greater squeeze on hospitals and other health care providers dependent upon Medicare payments.

Mr. Speaker, this bill will cost more than $100 billion over 10 years. Instead of devoting these resources toward a Medicare prescription drug benefit that will benefit all seniors and eligible people with disabilities, this proposal would leave more than four out of five Social Security beneficiaries with no more than they have today. While a budget surplus exists, we must utilize the surplus wisely to balance targeted tax cuts with paying down our national debt.

Mr. Speaker, I urge my colleagues to vote for the Democratic substitute and reject the underlying bill.

Mr. COYNE. Mr. Speaker, I rise in opposition to H.R. 4865. This bill would jeopardize the solvency of the Medicare Hospital Trust Fund. The revenue from this tax goes directly into the Medicare Hospital Trust Fund. The loss of this revenue would be about $110 billion over the next 10 years or $13.6 trillion over the next 75 years. If this legislation were to be adopted, absent any other action on the part of Congress, the Medicare Hospital Trust Fund would be depleted 5 years earlier, in 2030 instead of 2035. The sponsors of H.R. 4865 tell us that this bill will not jeopardize Medicare because the legislation will reallocate the Federation’s surplus to make up the $14 trillion difference. This is an easy promise to keep while we have record budget surpluses. But when the Medicare Trust Fund gets close to zero, there may be no surplus. The same projections that have produced the estimates of budget surpluses over the next 10 years project annual deficits in subsequent years. At that point, we will have to reinstate the tax or raise the tax burden on working families to keep Medicare going. Even now, the bill will forfeit $100 billion in dedicated revenues; this revenue will be unavailable to use for other programs, such as a prescription drug benefit that will help all seniors. This revenue will also not be available to pay down our national debt, leading to billions of dollars in increased interest costs.

Moreover, this is only one of many tax cuts the Republicans have proposed that will benefit wealthier people in the coming years and which will leave working families in the lurch. These tax cuts will crowd out funding for vital programs such as education, housing and medical research. And, unlike earlier proposed tax cuts, this one directly threatens the solvency of Medicare. I urge my colleagues to vote against this bill because it does not benefit the large majority of seniors and risks the future of Medicare.

Ms. BALDWIN. Mr. Speaker, it is clear that most of the Members of this institution want to provide help to seniors who receive Medicare and Social Security benefits. There are two proposals that we are considering today which propose to provide help to seniors. One will provide seniors with a tax cut, including the wealthiest in our society . . . which is virtually guaranteed todeplete the Medicare Trust Fund and jeopardize the future of this vital program.

This legislation to repeal the 1993 tax provision will make it more difficult for the government to finance adequate Medicare prescription drug coverage, as well as other improvements that ultimately should be included in the Medicare benefit package, such as catastrophic costs and long-term care. This legislation is a hundred billion dollar raid on the Medicare Trust Fund and replaces the money with an IOU.

Although we are currently in the era of surpluses, we should not forget that Medicare’s fiscal future is troubled. Part A trust fund is now running a small cash surplus. This is only temporary, however—Part A will begin running cash deficits again by 2010, according to the most recent Medicare Trust Fund trustees report. Beyond 2010, its cash deficits will grow larger, totaling nearly $7 trillion in the next 40 years.

Despite these looming deficits, this legislation would weaken, rather than strengthen, Medicare financing by depriving the program of roughly $100 billion in dedicated revenues over the next ten years and nearly half a trillion dollars in the next 25 years. Without this income, Medicare Part A will go into the red again five years earlier than under current law. This will not only threaten the viability of the Medicare program for future generations, but it will force an even greater squeeze on hospitals and other health care providers dependent on Medicare payments. This revenue loss will be permanent, while the projected budget surpluses are temporary.

Fortunately, we have a more fiscally responsible alternative. The substitute measure also cuts taxes for 95 percent of Social Security beneficiaries. Seniors living alone who make less than $80,000 a year and couples with a joint income of less than $100,000 a year would be eligible for the tax cut. In addition, the alternative maintains the financial integrity of the Medicare program by forcing the Treasury Secretary to guarantee that the funds will be available, before depleting the Trust Fund and providing the tax cut.

Mr. Chairman, if we really care about seniors, we must ensure we maintain the financial stability of Social Security and Medicare, while providing responsible tax cuts. The alternative we are considering today does both and I urge its adoption.

Ms. ESHOO. Mr. Speaker, when I was first elected to Congress in 1992, I promised my constituents that I would do everything in my power to abstain from the spending spree that had run up the largest budget deficit in American history. I consistently voted against irresponsible spending bills and for legislation to balance the budget and bring our fiscal house back to order.

Today, we areensesing the benefits of our fiscally responsible budget surpluses and unprecedented economic progress. The United States is enjoying the longest economic expansion in history, the lowest poverty rate in twenty years, and the lowest unemployment rate since the 1970s. Whereas in 1992 we were carrying the weight of a $290 billion budget deficit, today we are buoyed by a $211 billion surplus.

And yet, it seems that our Republican colleagues have forgotten the lessons we learned just eight short years ago and are spending the surpluses as fast as they come in. Last year, the Republicans tried to enact their tax cut agenda at a cost of $929 billion over 10 years. This sweeping bill failed because it was obvious that such a large package shoved all other priorities and put the nation’s fiscal health in jeopardy.

This year, Republicans have devised a more clever political strategy of breaking up their tax agenda, allowing them to focus attention on the same attractions of each part of their agenda while obscuring the total cost. But the cost is the same. So far this year, Republicans have pushed through tax cuts that would eat up $739 billion of the budget surpluses. When you add this to other tax cuts and spending increases they vow to bring up, the Republicans will have spent $88 billion more than is available once Social Security and Medicare are protected.

Today, Congress is on its way to invading Medicare as well. While we are currently in an era of surpluses, we must not forget that Medicare’s fiscal future is troubled. According to the most recent Trustees Report, Part A will begin running cash deficits again by 2010, totaling nearly $7 trillion by 2040.

Despite these looming deficits, the Republicans have introduced yet another tax cut that robs the Medicare program of roughly $100 billion in dedicated revenues over the next ten years and $464 billion through 2024. The Social Security Benefits Tax Relief Act (H.R. 4865), repeals a portion of the tax on Social Security benefits thereby eliminating a dedicated source of revenues to the Medicare Trust Fund. Without this income, Medicare Part A will go into the red again five years earlier than under current law. The result will be a significant threat to the viability of the Medicare program for future generations, and an even greater squeeze on hospitals and other health care providers dependent upon Medicare payments.
H. R. 4865 purports to replace the lost revenue to the Medicare trust fund from the projected on-budget surplus. However, while the revenue loss to the Medicare trust fund is guaranteed, the budget surplus exists only in projections and faces many other competing demands. Therefore, the revenue loss to the Medicare trust fund would be permanent, while the projected budget surpluses are temporary. Once the projected surpluses run out, the Medicare trust fund will be left with a large hole unless a future Congress is willing to raise taxes or cut other programs.

Permanently eliminating, like other Republican tax cuts, H. R. 4865 only benefits the wealthiest Americans. The National Council of Senior Citizens calls H. R. 4865 “an irresponsible political gesture to upper income persons which will have severe consequences for the Social Security system and the solvency of the Medicare Part A trust fund.” The massive amount of general revenues that would be consumed by this bill will leave fewer resources extending the solvency of the Medicare program and creating a Medicare prescription drug benefit.

The Democratic substitute amendment, on the other hand, provides the same tax relief as the Republican bill but offers it to more seniors at about half the cost. Whereas the Republican bill only benefits the wealthiest 20 percent of Social Security recipients, the Democratic substitute would provide tax relief to 95 percent of seniors. Rather than eliminating the tax for all seniors, the Democratic substitute keeps the tax in place for only the very wealthiest—singles earning more than $80,000 a year and couples earning more than $100,000 a year.

The Democratic substitute is also more fiscally responsible. Unlike the Republican bill, the Democratic substitute protects Social Security and Medicare by conditioning the tax cut on a certification from the Secretary of the Treasury that the on-budget surplus is sufficient to replenish the lost tax revenue. Thus, it can’t go into effect in years in which there is not enough of an on-budget surplus to replace lost revenues.

We are at a historic “fork in the road.” If we continue down the path of irresponsible tax cuts for the wealthy, there will be nothing left for shoring up Medicare and Social Security, enacting a Medicare prescription drug benefit, or paying down the public debt. I urge my colleagues to vote yes on the Democratic substitute and no on the underlying bill. Congress must reverse its course and get back on the road to fiscally disciplined.

Mr. WELDON of Florida. Mr. Speaker, the “Social Security Benefits Tax Relief Act of 2000” (H.R. 4865) repeals the Social Security Earnings Restriction that was created in the 1993 Clinton-Gore budget plan. This tax costs more than 8 million seniors an average of $1,180 a year.

In 1993, Vice-President Gore cast the Senate tie-breaking vote to join with the Democratic-led House that imposed this tax on Social Security. I believe seniors should be able to keep their hundred bucks a month instead of having to send it to Washington.

It’s time to repeal the tax on Social Security to let Florida’s seniors keep more of the benefits they earned. In an era of budget surpluses, the tax punishes seniors with a tax that’s outlived its purpose. Social Security checks shouldn’t arrive in the mailbox with a bill from the IRS attached.

I am committed to improving the lives of Florida’s seniors. Earlier this year, I voted to eliminate the Social Security earnings limit and in favor of a prescription drug benefit. These were done in addition to ending the 40-year Democrat raid on the Social Security trust fund.

I am deeply disturbed that the President refuses to do anything new and is indicating that he will veto this tax equity bill for our senior citizens.

Mr. REYES. Mr. Speaker, I rise in strong opposition to this bill. It is another in a series of fiscally irresponsible tax cuts. Our current budget surplus has put us in a position to extend the life of Social Security and Medicare, to ensure that we are able to provide a Medicare prescription drug benefit, invest in education, and pay down the national debt.

But the Congressional majority’s strategy is not to extend the solvency of Social Security or Medicare by even one day or address other important domestic issues like education. They would rather use uncertain projections about the future surplus to provide irresponsible tax breaks. According to the Department of Treasury, the Congressional majority’s tax schemes provide relatively few benefits for the vast majority of working families.

As a result of the tax cuts passed this year, the average family in the top 1 percent would receive $50,000, while the lowest-income families receive the $220 tax cut that middle income families received. We should provide fair and equitable tax cuts that allow working families to send their kids to college, pay for child care, and care for sick family members while still strengthening Social Security and Medicare and paying down the national debt. President Clinton’s tax cut package would have done just that.

In contrast, this reckless bill will deprive Medicare of roughly $100 billion in dedicated revenues over the next ten years and half a trillion by 2024. This bill attempts to solve that problem by replacing the lost revenue with money from the projected surplus. There is no guarantee that we will have years of budget surpluses to work with and replace the lost revenue. Pass this bill and we are guaranteed to drain resources from the Medicare trust fund.

Mr. Speaker, I urge all of my colleagues to stop playing politics and focus on good policy. Mr. COX. Mr. Speaker, I rise in strong support of H. R. 4865, long overdue legislation to repeal the 1993 Clinton-Gore tax increase on Social Security beneficiaries.

The media has begun calling this tax the “Gore Tax” because Vice President Al Gore cast the tie-breaking vote in the Senate needed to send the bill to President Clinton for his signature.

The Gore Tax impose a 70 percent income tax rate increase or retired couples making as little as $22,000 each, and single retirees earning as little as $34,000.

These low-income senior citizens don’t qualify in anyone’s book as “rich.” In fact, they earn barely enough to keep them out of the government’s official definition of “poverty.” Yet Al Gore cast the deciding vote to significantly increase taxes on these low-income senior citizens.

How costly has this tax increase been? This year, the Gore Tax will hit 10 million retirees, and force each of them to pay an average of $1,200 in additional taxes. This tax burden is made all the more devastating because of the fact that so many low-income seniors live largely on their Social Security income.

The Gore Tax is not only terrible tax policy because it unfairly burdens low-income Americans. It’s also bad tax policy because it discourages Americans from working and saving for retirement.

Instead of encouraging hard work and thrift, the Gore Tax severely punishes Americans who set money aside for retirement—and those who want to stay productive in the workforce during their golden years—by forcing them to pay thousands of dollars more in income taxes.

This tax is indefensible. I urge my colleagues to vote for H. R. 4865, so that we can at long last repeal the Gore Tax and its unfair and punitive burden on America’s senior citizens.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Social Security Benefits Tax Relief Act of 2000. This legislation will reduce the tax burden on millions of older Americans who are experiencing their golden years.

In 1993, the Congress and the Administration recognized that in order to shore up our nation’s Medicare system and pay down the burgeoning deficits caused by the fiscal imprudence of President George Bush, some unpopular decisions would need to be made.

In 1993 and today, I salute the actions of the Democrats in Congress and President Clinton to address the pressing needs of Medicare and our nation’s budget concerns. Six years later, thanks in large part to the first Clinton administration budget and the brave Democratic Party that took the right, yet politically unpopular path, our nation is enjoying unparalleled economic growth.

Budget surpluses and the Medicare for the next decade, unemployment rates are at their lowest peacetime rate in American history, homeownership is at a record high, most important, and every community in America is benefiting from increased wealth and job creation.

This is a far different picture from the dark days of the last Republican Administration of President George Bush. President Bush provided our nation with high debts, a bankrupted Medicare system and high unemployment rates.

Today, thanks to the great work and keen insight of President Bill Clinton, Vice President Al Gore and the Democrats in Congress, we now enjoy a budget surplus that continues to grow beyond even the wildest and most optimistic scenarios of every credible economist regardless of ideology.

These funds allow Congress the ability to scale back the heavy tax burden on working families, senior citizens and small businesses. For this reason, I am pleased to rise in support of this legislation to provide sensible tax relief to American seniors.

This bill will ensure that those middle class seniors, many of whom also benefited from the repeal of the Social Security Earnings Limit, will now be able to keep more of their income.

I am pleased to work in a bipartisan way today to support this legislation and provide the seniors of my Congressional district in Queens and the Bronx, a tax cut on average of $100 a year.

In the best traditions of the Democratic Party, I will support this legislation to improve the quality of life for our nation’s seniors.
Mr. CRANE. Mr. Speaker, I rise in support of this important legislation to relieve some of the tax burden on our seniors by reversing the mistake made in 1993 by the Clinton-Gore Administration and the Democratic-led Congress. The 1993 Clinton/Gore tax increase, raising the poorest seniors’ Social Security benefits subject to income tax from 85 percent to 50 percent, was not only unfair to seniors, but it was also just plain bad tax policy. Under current law, when an employer collects his half of the Social Security tax, the employer is allowed to deduct that amount from gross income. The individual paying payroll tax, however, is subject to individual income tax on the amount of payroll tax directly subtracted from his paycheck. In other words, half of the individual’s total payroll tax contribution is subject to tax and half is not. The correct policy then, when considering taxing Social Security benefits, is to tax half the benefits. That assures that we achieve a basic goal of sound tax policy—tax all income once, but only once. The bill before us would once again lower the percentage of income subject to tax back down to 50 percent, where it belongs.

The 1993 tax did much more than raise taxes on the elderly. It effectively reduced seniors’ Social Security benefits. Of course, Clinton-Gore and the Democratic Congress didn’t cut seniors’ benefits. They just changed the benefit formula. But raising the tax on seniors’ benefits certainly had the same effect. Every month, millions of seniors who rely on Social Security benefits had less money to spend. It makes no difference to them whether they have more money because their benefits are cut or because the tax on the benefits is higher. The bottom line—they have less money.

Mr. Speaker, President Clinton is quoted as saying yesterday, “I say to Congress: Stop passing tax bills you know I’ll veto.” I say to President Clinton, stop vetoing the tax cut bills we are sending you. You threaten to veto a bill to relieve the patently unfair marriage penalty. You threaten to veto a bill to repeal the grossly unfair and immoral death tax. Now you threaten to veto a bill to relieve an unfair tax on seniors. Mr. President, this is not your money. Let us return it to the people who earned it.

The Administration likes to talk about all the total cost of the bills we have sent to him or plan to send. That is a little like adding up the total cost of all the items on a restaurant’s menu. Mr. President, we are hoping that a couple of these tax cut bills at least will look good enough for you to sign them. Then we can start talking about the total cost. Until you do, we will continue sending up dishes for the Chamber today to phase out the estate tax, and puts short term political considerations before investment in our Nation’s future. I cannot support this irresponsible legislation. I am tired of the Republican leadership wasting what little time we have on proposals to benefit the wealthiest Americans when there is so much important work left undone. Let us do the responsible thing. Let us focus first on reinforcing the social foundation on which this Nation’s future security and prosperity will grow.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 4865 to repeal the 1993 tax on Social Security benefits. I have spoken to and heard from many residents in Central New Jersey who want to see this Social Security tax eliminated.

Since coming to Congress, I have stood for targeted and reasonable tax reductions. I have crossed party lines to phase out the estate tax, and to eliminate the marriage penalty. I also support ending the 1993 tax on Social Security benefits.

As I do, however, I want to be sure that this body understands and appreciates the context in which this tax was enacted. The 1993 tax on Social Security benefits was a small part of the Omnibus Budget Reconciliation Act of 1993, which paved the way for significant deficit reduction, and the large budget surpluses we enjoy today. OBRA, particularly the 1993 Social Security tax, was initially unpopular. Many Members in fact lost their seats in this Congress today to phase out the estate tax, and to eliminate the marriage penalty. I also support ending the 1993 tax on Social Security benefits.

It’s important to remember the status of the Medicare Trust funds at that time. Medicare was in far graver condition than Social Security and was rapidly nearing insolvent. In fact, the Office of the Actuary had projected that Medicare would become insolvent just six years after the report in 1999. Thanks to the cumulative effects of the 1993 package, however, as well as changes made in 1997, the Medicare program is projected to remain solvent through at least 2025. That is a remarkable turn around, and we have a lot of courageous Members of Congress who are no longer with us today to thank for it.
These measures also helped to create a budget surplus that we could never have imagined just a few years ago. We have gone from budget deficits of over $200 billion per year—deficits which, by the way, included Social Security surpluses—to record on-budget surpluses year after year.

Now that budget surpluses have been created and are projected to continue into the next decade we can make reasonable and targeted tax cuts.

But we must not get complacent about the condition of Medicare or Social Security, or minimize the challenges that will only increase as the baby boom generation reaches retirement. It is crucial that we maintain the strength and long term solvency of Medicare and Social Security through whatever tax reductions are ultimately passed, following the negotiations that will take place with the leadership of Congress and the White House.

I am satisfied that H.R. 4865 provides a general revenue offset to replenish the loss of revenue from repealing the 1993 tax—revenue that is dedicated to the Medicare trust funds. But this also means that these are now funds that cannot be used to meet the many other varied needs a rapidly aging population presents.

I challenge this Congress not to neglect the other essential needs of our seniors and our communities. While passing meaningful tax relief is essential, I also intend, and hope Members on both sides of the aisle will work with me, in seeing that a real prescription drug benefit is provided under Medicare. This is what our seniors want and are asking for. It is especially critical that a prescription drug benefit be a central part of Medicare and not as an add-on. We know Medicare. Medicare works.

Insurance companies, on the other hand, have not demonstrated a dedication to guaranteeing coverage to seniors, and indeed, their business is not geared towards that goal. Their representatives have made that clear.

I also hope we can begin to work in a bipartisan way to establish a long-term care insurance program for older Americans and persons with disabilities. By substituting the Older Americans Act and by creating a tax credit for caregivers, we are making promising strides in that area. But there is a long way to go, and meeting the needs of our rapidly aging population will require our utmost attention.

Mr. Speaker, while we take action to provide meaningful tax relief here today, we must not lose sight of the larger overall need to maintain our budget surplus and continue to preserve Medicare and Social Security for today's and tomorrow's workers.

Mr. REYES. Mr. Speaker, I rise in support of the Democratic substitute and in strong opposition to the fiscally irresponsible Republican tax scheme. The substitute would raise from $44,000 to $100,000 the annual income level at which couples must include 85 percent of their Social Security benefits as taxable income. By raising these levels, the substitute would provide the same tax relief as in the reported bill for approximately 95 percent of beneficiaries.

The tax reductions in the Democratic bill would be contingent on a year-by-year certification by the Secretary of the Treasury that there are sufficient surpluses outside the Social Security and Medicare programs to make the general fund transfers necessary to reimburse the Medicare Trust Fund. Thus, before the Medicare Trust Fund is depleted, the substitute guarantees that the budget surpluses exist to ensure these appropriations will actually be made to the Medicare Trust Fund to replace the lost revenue.

Our proposal will go into effect in years in which there is enough of an on-budget surplus to replace lost revenues in the Medicare Trust Fund. The Republican bill makes no such guarantees and merely relies on continued surpluses year after year. Furthermore, the Republican bill will require huge transfers of federal funds from general revenues into Medicare. It takes money out of one pocket and puts it back in the other pocket. These transfers jeopardize the program's solvency and could result in increased Medicare premiums.

Our seniors deserve better than political games. I urge all of my colleagues to vote for the Democratic substitute and against the risky Republican tax scheme.

Ms. KILPATRICK. Mr. Speaker, I rise today in strong and stringent opposition to H.R. 4865, the Social Security Tax Benefits Relief Act. First and foremost I must say that I am for providing tax relief to our nation’s citizens. There are seniors and others in our country who are clearly in need of tax relief. However, to simply take away from the Social Security funds is not solely benefit those at the top of the economy who are least in need of tax break. We, as Democrats, have tried to structure targeted tax proposals that will benefit those in the middle and lower rungs of the economic latter.

This bill will benefit only the top one-fifth of Social Security beneficiaries. While many of these people are not rich, this regressive distribution of the benefits from the GOP bill is consistent with favor-of-the-wealthy trend of previous Republican tax cuts. According to the Department of Treasury, roughly half of the tax cuts passed by the House this year will go to the wealthiest 5 percent of households. The other 95 percent will share the other half.

I say to those listening, do not be fooled by the misleading title given this legislation. This bill will transfer $117 billion in revenues over the next ten years ($13.7 trillion over the 75 year solvency period for the program) and substituting general revenues, please see me and substitute the majority party believed in truth in advertising instead of putting attractive names on awful bills, they would call this bill “The Sunset on Medicare Act”. For we surely put Medicare at enormous risk by making it more dependent on annual appropriations.

If there is anyone who believes that we are strengthening Medicare by eliminating a dedicated source of $117 billion in revenues over the next ten years ($13.7 trillion over the 75 year solvency period for the program) and substituting general revenues, please see me when this debate concludes and I’ll sell you the Brooklyn Bridge! No one can seriously assert that Medicare is made more secure by replacing a dedicated tax source with a promise to make payments to Medicare from the General Fund.

Relying on annual appropriations from general revenues to make up the shortfall that this legislation will create is a very dangerous structure. Particularly given insistence on adopting huge, reckless tax cuts for the wealthy, rather than targeted tax relief for the middle class.

This bill will jeopardize our ability to add a much-needed prescription drug benefit to Medicare, and endanger other important domestic priorities. It is especially irresponsible because we know that the start of retirement among the Baby Boomer generation will cause the number of people using Medicare to double from 40 million to 80 million between now and 2030.

We know that good economic times do not last forever. What will happen when there is a downturn in our economy or if the Republicans...
push through even larger tax cuts? The general revenue "promise" to replace funds taken from Medicare will prove to be worthless.

We have a solemn responsibility to strengthen and secure Medicare and Social Security not just for today's beneficiaries, but for future beneficiaries as well. We will not be a party to weakening Medicare when we need to strengthen and protect it. Reject this irresponsible bill.

Mr. McCOLLUM. Mr. Speaker, I rise today in strong support of H.R. 4865, the Social Security Benefits Tax Relief Act of 2000. This legislation would repeal the burdensome tax on Social Security benefits imposed by the Clinton-Gore Administration back in 1993. The Administration created this proposal during a time when the nation was attempting to reduce the Federal budget deficit, but now that we enjoy a plentiful surplus, it is only right to repeal this unduly high level of taxation on our senior citizens.

Mr. Speaker, in 1993, the Clinton-Gore Administration imposed the Tier II tax on up to 85% of Social Security benefits. Consequently, an individual recipient whose income exceeds $34,000 and a couple whose income exceeds $44,000, find themselves having 85 percent of their benefits taxed rather than the previous 50 percent of their benefits. This abrupt change in law hurt our senior citizens who have worked hard toward a fiscally-responsible retirement plan based on the 50 percent taxable benefit level. The Administration claims it was necessary to increase this taxable base in 1993 to reduce the Federal budget deficit, but that deficit is gone now and it is time to return to the nation's senior citizens the money that is rightfully theirs.

This is not just a tax on the rich, but rather, a tax that hits the average senior citizen. In this year alone, 10 million beneficiaries are affected by this tax. By 2010, over 17.5 million beneficiaries will be affected. For seniors who fall within range of this income threshold, a great disincentive was created in 1993 for seniors to continue to work or save additional money for fear that an increase in income would cause more of their Social Security benefits to become taxable at this outrageous rate.

Not only is the tax burdensome, the income thresholds are not indexed for inflation, which means that more and more lower income people are affected by the tax each year. Although it may have appeared reasonable to tax an individual's income which exceeded $34,000 back in 1993, without indexing that income threshold for inflation, it are continuing to tax more lower income beneficiaries every year.

When many of us signed the Contract With America back in 1994, we pledged to do away with this burdensome Tier II tax by this year. Well, Mr. Speaker, the time has come to follow through with our promise and to allow America's seniors to keep more of their money. I thank Congressman ARCHER for his efforts in bringing this measure to the floor. I enthusiastically support H.R. 4865, the Social Security Benefits Tax Relief Act of 2000, and encourage my colleagues to vote in support of this important legislation.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

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

Amendment in the nature of a substitute offered by Mr. POMEROY:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the "Social Security Benefits Tax Relief Act of 2000".

SEC. 2. INCREASE IN ADJUSTED BASE AMOUNT CONTINGENT ON AVAILABILITY OF BUDGET SURPLUSES.

(a) IN GENERAL.—Section 86 of the Internal Revenue Code of 1986 (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new subsection:

(1) In general.—For any taxable year beginning after December 31, 2000, subsection (c)(2) shall be applied—

(A) by substituting "$80,000" for "$34,000" in subparagraph (A) thereof; and

(B) by substituting "$100,000" for "$44,000" in subparagraph (B) thereof.

(b) REPORTS.—The Secretary of the Treasury shall—

(1) notify the House of Representatives and the Senate of the total amount of revenue lost to the Medicare trust fund as a result of this section; and

(2) determine the amount of revenue that would have been lost to either the Social Security or Medicare Trust Funds had the tier II tax not been in effect.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 3. MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.

(a) IN GENERAL.—There are hereby appropriated to the Hospital Insurance Trust Fund established under section 1817 of the Social Security Act amounts equal to the reduction in revenues to the Treasury by reason of the enactment of this Act. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had this Act not been enacted.

(b) REPORTS.—The Secretary of the Treasury shall—

(1) notify the House of Representatives and the Senate of the total amount of revenue that would have been lost to the Medicare trust fund as a result of this section; and

(2) determine the amount of revenue that would have been lost to either the Social Security or Medicare Trust Funds had the tier II tax not been in effect.

(c) TERMINATION.—This section shall not apply to any taxable year beginning before 2010.

Mr. Speaker, the Democrat substitute provides tax relief for senior citizens that is fiscally responsible and safeguards the Social Security and Medicare trust funds. The amendment provides the same tax relief as the underlying Republican bill, the Democrat substitute protects Social Security and Medicare by requiring the Treasury Secretary to certify that the Medicare and Social Security trust funds are not being used to underwrite the tier II tax.

Nearly 80 percent of our senior citizens will not be affected by either the majority or minority substitute. They do not pay this tax. Now, of those that do pay the tax, the Democrat substitute takes care of all but those 5 percent earning a household over $32,000.

Now, in doing so, we ensure, first of all, 95 percent of all Social Security recipients are covered, but we save over the course of the bill $43 billion. At that point in time, it becomes a matter of priorities. Where do you want these resources to be allocated? Is the highest purpose for this $43 billion the tax relief purpose of households over $100,000, senior citizens with outside income of $300,000 or greater? Or could it be applied more appropriately? For example, as the chart indicates, that $43 billion saved in the Democrat substitute could go a long way to funding very meaningful prescription drug coverage for our seniors.

Finally, the Democrat substitute protects Social Security and Medicare by requiring that before the tax cut takes effect, the Secretary must certify that the budget surplus, excluding the Medicare and Social Security trust funds, is sufficient to cover the projected revenue loss.

This is very important. Because the majority proposal, while it talks about transferring general fund revenues to cover the revenue lost in this tax measure, does not address the circumstance of if there are no general fund revenues available.

Look at this third and final chart. Under the projections that we have now put together of their spending and tax plans, they completely exhaust the surplus within the 10-year period of time, and in fact are $88 billion into the red, right back into Republican deficits of old, no funds available for the type of transfer envisioned in their bill.

Now, the Democrat substitute ensures that the Medicare trust fund will never be raided by this measure and therefore is a preferable way.

Mr. Speaker, I reserve the balance of my time.
I compliment the gentleman on his bill. It is certainly an improvement over existing law. But it does not get by the basic test. Is it morally right to tax 85 percent of the benefits that seniors are receiving under Social Security regardless of their income? If it is morally right, it is morally wrong. If it is wrong, it is wrong. This is what we are trying to reverse.

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

Mr. POMEROY. Mr. Speaker, I yield myself 30 seconds to make some brief responses. I imagine the gentleman, my friend and colleague, was a very good lawyer from the way he spun his argument back. The fact of the matter is if there is not a risk, that there will not be sufficient general fund revenues to flow into these trust funds to make certain the Medicare trust fund is whole, lawyers and accountants would not have any issue advising their clients. The fact of the matter is, as the experts have said, this third chart I showed earlier demonstrates, very conceivably the plans of the majority would erode the surplus and leave this Nation in the position of having money come from Social Security or Medicare. That is what the substitute wants to avoid.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN). Mr. GREEN of Texas. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. CAPUANO), cosponsor of the Democratic substitute. I think it offers a sensible and cost-effective substitute for the Republican plan. I share some of the concern of my Republican colleagues because we do have a surplus. Let us give some of it back. The difference is the Democratic substitute does that. It raises the caps from $34,000 to $80,000 for individuals and from $44,000 per couple to $100,000. It retains some of the money in the Medicare trust fund. But even better, even better than just talking about the tax cuts, these cuts will not be taken out of the Social Security surplus.

We have a problem in Washington because oftentimes we pay for tax cuts and spending with Social Security surplus funds. We are no longer doing that, thank goodness. But in adding even more so better than the Republican bill, we make sure that the Medicare trust fund is whole every year. Instead of just increasing the taxes every year it will go in there, it requires that certification.

The issue my colleague from Florida brought up, I do my own taxes and my taxes are not due until April 15. The IRS does not send me my form until the end of December. So I would assume during that year somewhere the certification would be made.

Our proposal will relieve middle-income seniors who work a little more and had the tax without busting the Federal budget. While I did not agree wholeheartedly with the imposition of the tax, I think cutting it now would have an adverse effect on both the budget and the Medicare program as a whole. Rather than eliminating the tax for all seniors, our legislation again only leaves it to the 5 percent of the wealthiest compared to the 20 percent who pay it now. Let me say it again, that our bill allows the tax to go take it left, if there is a surplus to pay for it in the Medicare trust fund.

Unfortunately, at the rate my Republican colleagues are spending it as my colleague showed, there is not going to be a surplus of that sort. This is just a wink for the Medicare trust fund. Between spending $739 billion in tax cuts plus entitlement and discretionary spending, we will be $88 billion in the hole.

Mr. Speaker, I urge a vote for the Democratic substitute.

Mr. POMEROY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO), cosponsor of the Democratic substitute. Mr. CAPUANO. Mr. Speaker, I would just like to ask a question. It seems to me from all the debate that I have heard in the last several hours that somehow the tax on Social Security is going to disappear. Well, for those people who do not understand the tax forms, who still do them, who still read the tax laws, I have one question. Will line 20(b) on the 1040 tax form disappear under your proposal?

I will go and put the question. The answer is no. The answer is no. Every single person, every single one who is currently paying taxes on any part of their Social Security will still pay taxes on their Social Security after the Republican proposal. I want to say that again. No single person will go to tax on their Social Security because of their proposal. Not one.

I also want to turn the clock back just a little bit. To hear it today, the world started in 1993. My God, it is astounding. I have to turn the clock back just a little bit further and go to 1983. 1983 was the year, the first time a single penny on Social Security income was taxed by anybody. This Congress voted it under President Reagan and Vice President George Bush’s administration. They voted, along with 97 Republicans. Of those 97 Republicans who voted to tax Social Security, the gentleman from Florida was amongst that group, as was a gentleman named Mr. Cheney from Wyoming. They both voted to tax Social Security income.

This bill will not do anything about that tax.

My question is, if that is so good, what is so bad about our proposal to raise the tax level so that only the richest people in America get hit a little bit? If it is so morally reprehensible or morally wrong, to quote several comments made today, what is so morally right about a 1983 tax? The answer is no, because President Reagan and Vice President Bush had Reagan-Gore, and in 1983 we had Reagan-Bush. Somehow Reagan-Bush taxes are morally okay, but Clinton-Gore taxes are morally wrong. That
absurd. That is absurd and it is offensive to say it. I understand if you want to slash the tax, cut the whole thing out. After the proposal is passed today by the Republican majority, there will still be, this year, this year if this is ever passed into law, $13.8 billion still raised on the taxes on Social Security. I do not want anyone at home, including my mother who is here today, to go home thinking that they will not be paying taxes on their Social Security. They will be.

The whole discussion is about politics. That is what it is about. It is about a convention coming up next week. People want to say, We voted to cut taxes. It is not true. It is a misnomer. It is as misleading as anything I have heard.

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

I would like to remind the gentleman from Massachusetts that none of the Social Security recipients today would be receiving their benefits if it were not for that 1983 tax bill. It was necessary.

Mr. CAPUANO. If the gentleman will yield, I would not have opposed it. I would have voted with him.

Mr. SHAW. I do not think the gentleman was trying to make a point there that needed clarification. I am very proud that we have kept Social Security. Line 20(b) on the tax return, is that the first tier on Social Security, the first tier tax?

Mr. CAPUANO. If the gentleman recalls his tax law, he would understand that they are both combined together on page 25 of the instructions.

Mr. SHAW. I congratulate the gentleman on his sense of humor, but if that is the first tier, the tax on the first tier, then that would certainly remain under both bills. I do not have the tax return. The gentleman obviously has one before him. I might say that I would be glad to take a look at it and discuss the tax return with him.

But I think the question is, and we seem to be losing our way here, the question is whether or not we are going to give tax relief to our seniors.

Back when this tax, this 85 percent tax, was passed by this Congress, there was a deficit of $255 billion. If you go back and look at the argument and the reasons for the tax, it was to get rid of the deficit or to cut down the deficit.

Now, I did not support picking out the seniors and going after them for this, but that is exactly what the majority party did at that time; and that is what President Bush did.

Now, we do not have a deficit of $255 billion under the Republican House; we now have a surplus of $233 billion, $233 billion. If this tax was for the purpose of getting rid of the deficit or getting the deficit down, now it is the time to give it back. This was a tax that was supposed to pay down the deficit. The deficit is gone. We picked out the seniors to do it. We now have a surplus of $233 billion, and it is time to get rid of this tax.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, for two reasons, what the chairman says on Social Security benefits passed in 1993 was for the purpose of reducing deficit spending, even though the money of the tax was earmarked for Medicare. As far as its justification for deficit reduction, it has been a great success, as we realize that we repeal this tax increase.

We are now experiencing huge surpluses and make up that money to Medicare. Therefore, to continue to justify this tax for deficit reduction is not appropriate.

Let me offer another reason why it is appropriate to reduce this tax. Higher-income retirees tend to be workers who paid in more Social Security taxes than lower-wage earners; and because the Social Security system is so progressive, higher-income wage earners already receive a higher percentage of what they paid in in terms of the benefits they receive. It is not fair in a relative sense that they be additionally penalized by this tax.

Now, it is my opinion that eventually, all $1 trillion over 10 years, as suggested by Governor Bush, we should tax Social Security benefits the way we tax private pensions. We now tax private pensions, but we only tax the value of the employer's contribution, that percentage of what they paid in in terms of the recipient's contribution. That amount in a typical Social Security pension received from high wage earners is 15 percent. In contrast, an average low wage earner retiree has already received in benefits about seven times his or her after-tax contribution.

So our goal should be to lower the tax overall and to treat those higher-income recipients that are already in a progressive tax level and put a tax level related to the lower tax level.

Mr. POMEROY. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to compliment my colleague from Florida, the attorney. He said a couple of things that I think are noteworthy. Number one is when the facts are not on your side, talk about everything but the facts.

Now, I am from Florida, the facts are not on your side. I am not a lawyer, but I can read the Treasury report. The Treasury report that came out on June 30 of this year has some extremely interesting facts.

Number one, there is still no surplus, other than the trust funds, and the trust funds raised about $170 billion. Yet we have a cumulative surplus of only about $176. Why is that? Because they stole $11 billion from somebody's trust fund to pay the deficit.

The second thing is I have heard over and over that we are paying down the debt. Again, according to the Treasury's own figures, the debt has grown by $42 billion of public debt this year. This year we have spent, as of today, $300 billion of the taxpayers' dollars down a rat hole called interest on the national debt. It is not taking care of old folks, it is not educating kids, and we are going to keep throwing money down the hole until the debt, and you do not pay down the debt unless you balance your budget.

Again, this is coming from the Bureau of Public Debt. This is June 30, 1999. The publicly held debt was $5.636 trillion. One year later, the public held debt was $5.665 trillion, an increase of over $40 billion.

Again, I would say to the gentleman from Florida (Mr. SHAW), I am not a lawyer, but I can read.

To the point: Where did they steal the $11 billion? Did it come out of Social Security? Did it come out of Medicare? Did it come out of the approximately $10 billion of the Military Retiree Trust Fund? Because they certainly stole $11 billion from somebody's trust fund under this charade of a balanced budget.

I urge Members to reject the Republican proposal. I urge this generation of Americans that has run up $5 trillion worth of debt, of which has been incurred in our lifetimes, let us pay our bills and not stick our kids with them.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. POMEROY. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in strong support of the substitute and in opposition to the final bill. I feel that the substitute is much more fiscally responsible than the attempt in the final version to basically bet the entire budget surplus on the hopes that the surplus money projected out in 10 years will in fact materialize. But I have to say that, given the current economic numbers, we can provide some tax relief to Americans and working families, and even to seniors who need it, as long as it is done in a fiscally responsible way.

The substitute creates an exemption for individuals up to $80,000, up to $100,000 for married couples, and will exempt 95 percent of seniors in our country, and yet it will not bet the entire farm by the complete elimination of the deficit, of which I call for.

I also think it is fair to do it that way as well, because when you look at current earnings and what they are taxed on for FICA purposes, it phases
out at roughly $76,000 in the current year. That means those earning more than $76,000 no longer pay FICA taxes, yet working families below that level are taxed on every dollar that they earn.

The other point that I want to make, Mr. Speaker, is this: This body has never been accused of being consistent philosophically on a lot of issues, and we are not in this instance. Earlier this summer when gasoline prices were spiking all over the country, there was a lot of talk and excitement out here about repealing the Federal gas tax to provide relief. But when people realized that that would mean taking money out of the Highway Trust Fund to do it, a dedicated revenue stream, they said, oh, no, no, no, we cannot do that, we should not touch that, because it will jeopardize roads and highways and bridges.

Now, all of a sudden, when we have a dedicated revenue stream that goes into Medicare and a tax cut proposal is on the table to withdraw funds from that, that seems to be acceptable. That seems to be okay if we do it, even if it may jeopardize long-term solvency of the Medicare program.

We could not do it with the gas tax repeal, which is a more regressive tax than what we are talking about in this instance, but we are willing to jeopardize the Medicare program under virtually the same exact circumstances.

At least the substitute ensures that surpluses in fact materialize to pay for the revenue shortfall in the Medicare Trust Fund that the tax repeal will create.

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

Mr. Speaker, I would like to advise the gentleman who just spoke that neither the bill in chief, H.R. 4865, nor the substitute, puts Medicare in jeopardy. There is a replacement of the money coming out of general revenue under both bills. So I think this is very clear.

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

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

Mr. KIND. We could have done the same exact thing with the gas tax with the Federal Highway Trust Fund, but that was not acceptable because there was a dedicated revenue stream for our infrastructure needs, just as there is right now with the Medicare.

Mr. SHAW. Mr. Speaker, reclaiming my time, I would like to point out that using the Federal Highway Trust Fund would be a use tax to pay for highways. What we are talking about now is Social Security. It is quite different. And to say that it is right to tax some folks and it is wrong to tax other folks on the same type of income and money that they are receiving under Social Security, which they have paid for, this is not a welfare program, this is an earned benefit. That is what Social Security is, an earned benefit under which all American employees have been duly taxed at the time it was earned and paid into the Social Security trust fund.

We just simply have a difference of opinion. The gentleman from North Dakota wants to give his tax relief to people under $85,000. We think if it is wrong, it is wrong, it is wrong for all people; and that is an honest disagreement.

But neither program, and I want to repeat this, neither the Democrat substitute nor the bill that is mainly under consideration here in any way jeopardizes the Medicare fund. That is a blue herring. It is weird that anybody would really come in to say this, when the bills, both bills, in black and white, specifically state that those funds will be put into the Medicare fund.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Ms. JACKSON-LEE) (Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield to the distinguished gentleman from North Dakota (Mr. POMEROY); and I thank the gentleman from Texas (Mr. GREEN), as well as the gentleman from Massachusetts (Mr. CAPUANO).

To the distinguished gentleman from Florida, I think the issue is a holistic approach to what we are trying to do. Frankly, I think it is important to distinguish why I am here opposing the Republican plan, and supporting, and grateful for supporting, the Democratic substitute, because I cannot in good faith close hospitals, as they would be closing in my community, or throw senior citizens off of Medicare.

What we have in the substitute is a plan that costs $75 billion, but in re-futing the comments by the gentleman from Florida, the substitute ties the funding to certifying that the Medicare Trust Fund is solvent.

If the expenditures that our good friends on the Republican side of the aisle have been spending on tax cuts, of which the American people have said, I want a solvent Social Security, a solvent Medicare, and I want a health care plan that is also solvent, it is almost $2 trillion. If we are trying to get a prescription drug benefit, debt reduction, Social Security and Medicare solvency, this is what the Republican plan leaves us with, a deficit of $88 billion, meaning that we have no way of paying for those items that are so needed.

Let me share with you the fact that the American Association of Health Plans indicates that at least 711,000 Medicare beneficiaries, your parents, your neighbors, and mine, would have to sharply raise their premiums, if in fact this became law. That would result in almost $2 trillion. If we are trying to get a prescription drug benefit, debt reduction, Social Security and Medicare solvency, this is what the Republican plan leaves us with, a deficit of $88 billion, meaning that we have no way of paying for those items that are so needed.

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strengthen and modernize Medicare and Social Security, not weaken it.

The substitute would raise from $44,000 to $100,000 the annual income level at which couples must include 85 percent of their Social Security benefits as taxable income. The annual income level for single Social Security beneficiaries would be increased from $34,000 to $80,000. By raising these levels, the substitute would provide the same tax relief as in the reported bill for 95 percent of the beneficiaries who continue a dedicated revenue stream to Medicare.

The substitute would also include the appropriate language in the reported legislation that would provide for general fund transfers to the Medicare Trust Fund. Therefore, before the Medicare Trust Fund is depleted, the substitute guarantees that the budget surpluses exist to ensure these appropriations will actually be made to the Medicare trust fund to replace the lost revenue.

America's seniors are depending on us to balance the need for tax relief with the need for Medicare solvency. If we come together today, we could bring real relief to our most vulnerable seniors. That is the least we can do for our seniors.

I urge my colleagues to pass the substitute to H.R. 4865.

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

Mr. Speaker, I would like to address a statement made by the former speaker, the gentleman from Texas, Mr. GEPHARDT. The gentleman from North Dakota can correct me if it is in his bill, but I do not believe either bill has anything to do with any certification that the Medicare Trust Fund is solvant. I believe what the gentleman refers to is a projection as to the surplus, and it does not address any projections as to the Medicare Trust Fund. That is not in either bill, as I understand it.

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

Mr. SHAW. I yield to the gentleman from North Dakota.

Mr. POMEROY. On the point of the gentleman, well made but I take issue with it, that in those years when we ran deficits we transferred money from the general fund. I think a more appropriate calculation is trust fund dollars were being spent, dollars from the Social Security trust fund, dollars more appropriately allocated to the Medicare Trust Fund. The majority and minority have found a point of consensus that we do not want to spend anymore to spend the Social Security Trust Fund on anything but Social Security.

We believe, therefore, that this certification requirement requiring before that revenue is lost in a given year, there be general fund revenue available to replace it in the Medicare Trust Fund, is the only way that will ensure the solvency of the Medicare Trust Fund without using funds from either the Social Security Medicare Trust Fund to keep it whole.

Mr. SHAW. Reclaiming my time, I would say to the gentleman that Medicare is going to be funded whether we get into new deficit spending or if we continue to run a surplus. I think the gentleman realizes that. The Congress is not going to cut Medicare funding. There is a stream coming out of both bills that keeps Medicare whole.

So I think we need to redirect the argument as to who is going to get the tax relief.

There are going to be some people in this House, such as the gentleman from Mississippi (Mr. TAYLOR), and he stated his reason for doing that, that he is going to oppose both bills. He stated his reason for it. That is an honest argument. But to say that one bill is going to run deficits and the other is not is certainly not the right way to debate so that we can get all the facts out here on the tax relief.

I think we need to redirect the debate back to what is before us, and that is who is going to get the tax relief. That is the only question that is before us at this particular moment as to the substitute.

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

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

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

Mr. ANDREWS. Mr. Speaker, I thank my friend, the gentleman from North Dakota (Mr. POMEROY), for yielding me this time.

Mr. Speaker, I rise in strong opposition to the underlying bill and in support of the Democratic substitute. The underlying bill violates a hard-won national consensus on fiscal policy. I thought we had learned and agreed in two ugly decades of moral and economic bankruptcy in this country that we should base our governance not upon what we desire and wish to do but on what we can afford. I thought we had agreed that we should base our decisions not on the money that we hoped will be there but on the funds that we know that there are.

The underlying bill, I believe, violates this consensus because it contributes to a proposition in which the majority says that for every extra dollar that we think we are going to have, we are prepared to spend a $1.05. That consensus in this country would say that, first of all, we should not spend $1.05 for every dollar that is brought in and we should not assume that we are really going to have that dollar because it is based upon guesswork, economic sorcery, and a desire for funds that may or may not be there.

I thought we had learned that we cannot have everything. I do not like this tax on Social Security benefits. I do not like the tax on capital gains. I do not like the tax on gasoline. I do not like a lot of things that we levy taxes on. But the one thing I really do not like is telling people they can have everything, higher defense spending, debt reduction, save Social Security, a prescription drug benefit, more spending on education, more spending on health care, and an immense tax cut as well.

The real deficit in this country for 20 years was not in dollars and cents. It was in credibility. Let us not renew that deficit. Let us oppose this bill.

Mr. POMEROY. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House.

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

Mr. GEPHARDT. Mr. Speaker, this is a bad piece of legislation and I hope it is passed, and the alternative that we have before the House could be passed in its stead.

I think this bill should be renamed. It should be the Savage Medicare Trust Fund bill, because this bill takes $116 billion out of the Medicare Trust Fund.

Now, why is that a concern? We have been worried for months and years...
about the Medicare Trust Fund. We have been saying how are we going to get enough money into the Medicare Trust Fund to extend its solvency? This bill will cut its solvency by 5 years.

Now remember that we are in a time when we have the need to do something to put more money out of the Medicare Trust Fund to take care of problems from the 1997 Balanced Budget Act. We all have nursing home operators coming to us because they do not have enough reimbursement out of the Medicare Trust Fund. Half the nursing homes in the country are bankrupt today because of the cut in reimbursements from the Medicare Trust Fund.

The academic health institutions, I am visited by Washington University and St. Louis University in my town. They have been cut by the Medicare 1997 bill. They want restorations.

The home health care people cannot get out to do the home health care visits and so we are probably, before we leave in this Congress, going to restore funding out of the Medicare Trust Fund for them.

If we put it altogether, the savings from the 1997 Act over 10 years comes to over $200 billion. If we did half in terms of give-backs, that would be as much as this bill costs.

So instead of talking about hitting the trust fund for $10 billion, we are going to hit it for $200 billion. That will cut its solvency 10 years.

So this is the Savage the Medicare Trust Fund. This is what is at stake.

Now, the Republicans say, well, we will put the money back from general revenue. We will put it back from the surplus, the vaunted surplus. If we look at this chart, we can see that if we just take their trillion dollar tax cut, and we will get back to that in a minute, and put realistic spending projections in debt service, we already are running a deficit even with present projections. Let us remember these are projections. Here is the envelope from McMahon sending the envelope from Publisher’s Clearinghouse saying one may have won $10 million? Has anyone gotten one? If they have, I bet they did not go out and spend the $10 million because it might not show up.

Well, these projections may not come true, and then where will we be? That is why our alternative is contingent on the surplus actually being there, so that this year, we will figure out whether or not what we hope would happen actually happened.

Now, the other problem we have here is that this is just one more tax cut in the tax-cut-a-week program, which is really big chocolate cake. We had out here last year from the Republicans. They had a $750 billion tax cut. They passed it, I think, probably about this time last year and they were going to go home in August and excite the American people about the great things about the tax cut. Guess what? The President vetoed it and when they came back they have never tried to override the veto.

If it was such a great bill, why did they not try to override the veto? No. Instead, they cut that big cake into pieces and this bill today is one of the pieces. Guess what? The cake is even bigger than it was last year. It is a trillion dollars.

Why, in the name of common sense, would we want to go back to the deficits that we suffered in this country from 1981 to 1995, fifteen years of deficits?

There were times in this House many Members felt like trustees in bankruptcy, $200 billion, $300 billion a year, and passage of all these tax cuts together will take us right back to the deficit spending and the red ink we had then.

Finally, let me say we can do tax cuts this year. You bet we can do tax cuts this year, if they are sensible, if they are targeted, if they do not spend so much of the surplus that we get back to deficit.

The President talked about expanding educational opportunities by making tuition deductible, tax relief through a for-long term care, a home health care credit, a child care credit, expanding the earned income credit, and helping the people save for retirement, relief from the marriage penalty and estate tax for family-owned businesses and farms.

Under the President’s plan, a family of four making $20,000 a year gets over $350 in tax cuts. Under the Republican chocolate cake that cost a trillion dollars, they get $131. Under the President’s plan, a family earning over a million dollars gets about $100 in tax cuts but under their plan they get $23,000 in tax cuts. That is the difference.

You bet we can do tax cuts. We can even do a big piece of this tax cut if we do not give it to the high rollers, as we do not do in our alternative.

You bet we can deliver tax relief to the ordinary families of this country if we were not so obsessed with giving huge amounts of money to the wealthiest families in this country. You bet we can do tax cuts.

Finally, let me say this, I say to my friends in the other party we need to do tax cuts this year. This tax cut, if it is passed and sent to the President, will be vetoed. Their marriage tax penalty, which was focused on the wealthy, will be vetoed. Their estate tax relief, again focused on the wealthiest Americans, will be vetoed.

If one is a family out there today watching this, an elderly family, a middle income family, an average family, working hard every day, they want tax cuts now that mean something to them. In the name of sense, why can we not sit down at a table and work out all of these tax cuts so that the President will sign them, so they fit in a budget that is sensible and prudent and let us get the tax relief for the American people this year?

Voters and press releases get us nowhere. Let us pass real tax cuts that will help the hard-pressed working American family.

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

Mr. Speaker, just a couple of observations I would like to make, and I think it is interesting, unbelievable that these arguments are being made this way.

I would like to also point out, there is a lot of things that we should sit down and talk about. I would love nothing better than to sit down and talk to the gentleman from Missouri (Mr. GEPHARDT) and members of the minority party. I would contribute my entire August break to sitting down and talking about Social Security and getting this thing done. I would like to ask the President to get Social Security reform done, and do it this year and do it on this President’s watch. I think this would be a wonderful thing. It would be a wonderful legacy that the President can leave, before we get stonewalled. We are getting stonewalled from the minority side. This type of legislation is not going to go forward and it is not going to go forward unless the leadership and the Democrat party tears down that wall and lets us proceed.

Both of these bills, and I will say it again, and this is getting so repetitious, neither of these bills in any way jeopardizes Medicare. Absolutely it is not going to happen under either the substitute or the bill, main bill itself. Again, I must point out to the House that the letter that we have received from the administration’s Department of Health and Human Services, it says, and it says very forthrightly, that this proposal will have no financial impact on the Medicare trust fund. It is in writing, it is dated July 18.

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

Mr. ENGLISH. Mr. Speaker, I want to thank the chairman of the Subcommittee on Social Security for his fine work and his defense of Social Security and his defense of the legislation we have before us today.

I rise to oppose the substitute, because the substitute is a last gasp attempt by the minority to preserve a tax increase that they passed when there was a deficit and when they were in the majority, and it was passed with their votes alone. The trouble with the substitute that they offer is very simple. It is an attempt to preserve this Social Security tax increase that they offered against the majority, when it is inevitable going to be shifted back on to the middle class.

Why do I say that? It is because they have not indexed their provisions for inflation. They have raised the caps on
what this tax is going to apply to, they have expanded the exemption, but at the same time, they have not indexed those changes for inflation.

So over time, we are going to experience the same difficulty that we are facing today, which is that the long-term deficit is much larger and more Social Security recipients, and in the end, I think the only solution to dealing with this Social Security tax that they passed is to repeal it outright. If they want to go after high-income Americans and tax them, there are far better ways to do it than by taxing Social Security benefits because when we tax Social Security benefits, we violate a principle.

Mr. Speaker, Social Security benefits should not be taxed. We should leave in place a healthy Social Security system and leave the benefits completely free from taxation. It is a priority, if we are going to preserve the Social Security system in the long term, to make sure that those benefits are tax-free by preserving the surtax, that they and they alone passed, they are attempting to leave the camel’s nose under the tent. We cannot allow that to happen.

Mr. Speaker, what we are passing today is fiscally sound, it is a recognition of the need for us to be running gigantic surpluses, and that having run those surpluses, the time has come to roll back some of those taxes that we have imposed on the taxpayer back when we were running deficits.

This is Common Sense Legislation; it is one that enjoys broad support, and I hope that we can have bipartisan support not only to pass this legislation, but also to block the substitute which is a last-ditch attempt to preserve this tax.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, the gentleman from Florida was correct a moment ago when he said, this is all about who is going to get a tax cut, and that is precisely why I oppose both the substitute and, even more strongly, the base bill. Because the gentleman from Florida knows that the Archer-Shaw bill, for the future of Social Security, requires this $116 billion in order to fund it. Therefore, the tax cut they are proposing today to give back today will jeopardize the very plan my Republican colleagues have worked very hard for.

The gentleman from Florida also knows that this gentleman is ready to reach out and to work with my colleagues on the other side on a meaningful Social Security fix. However, I would submit to my colleagues, and why I so strongly oppose this so-called tax cut, is because if we are misleading the senior citizens of this country, but causing them further harm down the line, the gentleman from Florida stands on the floor and says nothing in his bill will jeopardize Medicare, how can he say that, when the removal of that will require $14 trillion over the next 75 years to replace it.

Now, the gentleman will say that he is going to replace it, and both bills replace it, but let me point out legislation revenue transfers to the Medicare trust fund simply to tread water in terms of solvency is a dangerous precedent. I have joined with the gentleman from Florida on his side of the aisle for criticizing our President for proposing that, but now the gentleman is transferring $4 billion more than the President has proposed, the gentleman criticizes him, but suddenly today, because this is being advertised as a tax cut, he is for it.

Now, it is time for us to get serious about legislating. I wish we could do this, but not before political conventions. I understand that, because the short-term political appeal of this legislation is so great. But anyone that looks at the results and anyone that looks at the facts knows better. We remember the gentleman from Mississippi (Mr. TAYLOR) standing here just a moment ago and showing all of us, there is no surplus; when we consider all of the trust funds, there is no surplus.

While I understand the short-term political appeal of this legislation, before you cast your vote I would ask my colleagues to consider the long-term ramifications this bill will have for Social Security and Medicare.

Although we are currently in an era of surpluses, we should not forget that Medicare’s financial future is troubled. The legislation before us would weaken, rather than strengthen Medicare financing by depriving the program of roughly $14 trillion in dedicated revenues over the next seventy-five years. This will not only threaten the viability of the Medicare program for future generations, but it will force an even greater squeeze on hospitals and other health care providers dependent upon Medicare payments.

While the revenue loss to the Medicare trust fund is guaranteed, the budget surplus that is supposed to replace the lost revenues exists only in projections and faces many other competing demands. Once the projected surpluses run out, the Medicare trust fund will be left with a large hole unless a future Congress is willing to raise taxes or cut other programs.

Legislating general revenue transfers to the Medicare Trust Fund simply to tread water in terms of solvency is a dangerous precedent that will only affect our ability to enact fiscally responsible Social Security and Medicare reform. I have joined with many of my colleagues on the other side of the aisle criticizing the President for proposing general revenue transfers to prop up the Social Security and Medicare trust funds without reforming those programs, and I would point out to my Republican colleagues that the general revenue transfers in this bill are nearly $4 trillion more than the total general revenue transfers to the Social Security and Medicare trust funds combined under the President’s budget.

We should express concern about the long-term financial problems facing Social Security and Medicare instead of voting on the tax cut of the week. Unfortunately, the majority’s plan to use all of the surplus on tax cuts will take away the resources that we will need to finance Social Security reform plans such as the Archer-Shaw bill.

I urge my colleagues to preserve the integrity of the Medicare program and vote against this bill.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume to respond basically to the comments made by the gentleman from Texas. He is quite right, he has reached out across the aisle in order to solve the problems of the Social Security, but now the gentleman has corrected him in one statement. For the next 15 years, the Archer-Shaw plan uses the Social Security surplus to save Social Security. After that, there is a period of time when general revenue does come in. That is 15 years out. I believe the gentleman’s plan does depend upon general revenue right from the very beginning.

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

Mr. SHAW. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, according to the scores of Social Security by CBO, both of our plans require the very same dollars that the gentleman said he was going to give back today in the long term. We would not disagree on that.

I would just say, we are consistent. What the gentleman has said about our plan is correct, and what I have said about the Republican plan is correct. Let us not split hairs. We need that money. If the gentleman gives it back today, as he proposes, he is going to do damage to Medicare unless we somehow find the magic money somewhere else.

I thank the gentleman for yielding.

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

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

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

I rise in strong opposition to the Republican tax cut proposal for the rich, and I rise in support of the Democratic alternative.

There are many of us in this House who would like to roll back taxes on Social Security. The problem is, we do not believe we ought to do it for the very rich or the super rich.

The Democratic alternative quite simply says, we will provide tax relief for Social Security recipients, 95 percent of them, and do it in a fiscally sound manner. It seems to me now the Republicans have to answer the question: why should we give tax relief to people who make over $100,000, those seniors who make over $100,000 and who only represent 5 percent of the senior population. There is a fundamental question of fairness here.

Second, there is the question of fiscal policy. They talk but $117 billion out of the Medicare trust fund. They tell us well, we will put this money back by taking money out of the general fund and putting it back into Medicare.
But why is the argument that general revenues will spend $40 billion over 5 years. We believe in the concept that tax cuts this House is passing, we have all the power to make sure that we do not raider the Medicare Trust Fund. It is a political promise; and that is all it is. We would not use the Social Security Trust Fund, Social Security is solvent until 2027, I think, and now we have any additional speakers?

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN), another cosponsor of the substitute. Mr. GREEN of Texas. Mr. Speaker, to follow up on my colleague from Erie, Pennsylvania, where he said this is the last gasp, this is the last gasp to try to make sure we do not raid the Medicare Trust Fund.

Finally, I think we ought to consider something really important. Prescription drug coverage. We have 12 million seniors in Medicare who do not have prescription drug coverage, and I assure my colleagues, if we have this tax giveaway as propounded by the Republicans, we will not be able to provide a prescription drug benefit. So when we analyze the entire package, we get an excessive Republican plan and a fiscally responsible Democratic plan. I urge adoption of the Democratic alternative.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, regardless of what both sides are talking about, in terms of numbers and fixes, there should be certain principles. The American people are taxed too high, both on the high end and on the low end of the spectrum.

In 1993, when my colleagues on that side controlled the White House, the House and the Senate, they increased the tax on Social Security in their tax bill. They also spent every single dime of the Social Security Trust Fund, and now they argue that they want to save it. They also spent every dime out of the Medicare trust fund for great socialized spending, which drove this Nation deeper and deeper in debt. In 1994, when we took the majority and said, we are going to save Medicare, and we did, some joined us, but most, including the Democrat leadership, fought everything against a balanced budget and welfare reform and Social Security lockbox, because it eliminated their spending.

The principle is that the American people are taxed too much; we want to give some of their money back. It is not our money.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I rise in opposition to H.R. 4865. I want to make a couple of points. It is interesting that we are seeing this bill again. This particular tax issue has not been on the House floor since 1995, but the Republicans have decided to drag it out of the barn right before the Republican convention and stick it up there so they can go and campaign on it. They do not care that it drains all of this money out of the Medicare trust fund, and they say, we will not raise general revenues, even though we have not done that before with respect to the Medicare insurance trust fund. My colleagues will remember, it was not too many years ago that we were concerned that Medicare was going to become insolvent. Both sides were trying to figure out a way to do it. Now it is solvent until 2027, I think, and now we are going to drain money out of it.

But the thing that is also ironic about it is, on the budget resolution and I worked on the budget, the Republicans said we only had $40 billion of general revenues to spend on Medicare to improve the Medicare program, and we could not put a real prescription drug program in there because we could only spend $40 billion over 5 years.

Well, they passed their fig leaf plan that had bipartisan opposition to it, that spent $25 billion, and today, they are going to spend $44.5 billion of general revenues of the projected surplus for this tax cut bill that they want to do. They are spending the general revenues more times than we spent the spectrum, and they are doing it under false pretenses. That is the problem with this bill. They drain the Medicare trust fund, they do not stick by their budget, they do not do the general revenues to spend on Medicare, and pay down the debt. We would not use the Social Security Trust Fund, Social Security is solvent until 2027, I think, and now we have any additional speakers?

Mr. POMEROY. Mr. Speaker, does the gentleman from Florida (Mr. SHAW) have any additional speakers?

Mr. SHAW. Mr. Speaker, we had a couple Pages that wanted to speak on this side, but I do not think they would be in order. We have one more speaker and that will be to close.

Mr. POMEROY. Mr. Speaker, I believe we have the right to close.

The SPEAKER pro tempore (Mr. PSE). The gentleman from Florida (Mr. SHAW) has the right to close.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, we are squandering a golden opportunity here today to preserve this surplus, to protect Social Security and Medicare, and pay down the debt.

As has been mentioned earlier, when one adds up all the spending and tax cuts this House is passing, we have already used up the entire surplus. That is why the argument that general revenues replacing this tax cut protect
Medicare simply does not fly on the facts. Now, what does the motion to recommit represent? It represents an honest statement that there should be a legitimate debate about the extent to which seniors should contribute to the cost of Medicare in the years that go forward.

Yes, I say to the gentleman from Florida (Mr. SHAW), I think one can make some legitimate points about reducing this tax once we have the general revenues in place for Medicare. But that should be part of a broader debate on Medicare reform.

We should not be doing Medicare reform ala carte. We ought to be having a more open debate about what fairness represents in terms of the share of the baby boomers like myself are going to pay, what share seniors are going to pay, what share of the baby boomers like myself are going to pay, how we are going to structure prescription drugs we all are going to pay, what share seniors should contribute to the cost of Medicare simply does not fly on the facts. Now, what does the motion to recommit represent? It represents an honest statement that there should be a legitimate debate about the extent to which seniors should contribute to the cost of Medicare in the years that go forward.

yes, I say to the gentleman from Florida (Mr. ARCHER), chairman of the Subcommittee on Ways and Means. Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding me this time, and I compliment him on the outstanding work that he has done as chairman of the Subcommittee on Social Security to protect the rights of seniors. That is what we are about today.

Those Members who have listened to the rhetoric, if they were trying to be objective, sure must be puzzled because they have heard trillions of dollars thrown around. They have heard they are going to jeopardize Medicare. They have heard all types of comments.

Why? Why is there such desperation on the part of the majority to undo a wrong? Is it because they have got to defend what they did in 1993 even though they did not need to? They did it at any cost with whatever rhetoric, because it is basically wrong to tax senior citizens on their Social Security benefits, then say we are doing it to balance the budget. That is the wrong way, if in fact that truly is the rationale.

We are here to right a wrong today. So what is the response of the Democratic substitute? To do precisely what they have done in the past, which is to leave the tax on Social Security benefits and destroy the value of those benefits that people work a lifetime to achieve and then say, well, that is okay. It is not okay. This is not political for me. I oppose this tax vehemently when it was first put in place. I opposed even the original tax to tax 50 percent of the benefits because it is wrong.

No matter how one couches it, no matter how one would say the President is going to veto it, why will he veto this? He will veto it only to defend the wrong that he put on the books in 1993. But we are going to do the right thing. It is responsible.

But when I tell the Democrat substitute, I realize that it is a typical sleight-of-hand approach. First, you see it, then you do not. It says to seniors, well, we will give some of you some relief, but only if the budget is balanced. So maybe they get it; maybe they do not.

How does one know how to plan what the value of one's Social Security benefits is going to be in advance? One cannot subscribe to this. They put seniors on a yo-yo string and say what we are doing for you. It is like Peanuts when Charlie Brown is told kick the ball; and just as he gets to the ball, Lucy pulls the ball away. That is the Democrat substitute. I do not think seniors want that with their benefits and the value of their benefits.

In addition, they do what AARP has told us over and over again in violation of the Social Security contract. They give Social Security benefits. They say to seniors, you have not really earned these benefits. You are not really entitled to them. We are going to determine whether you get them or not.

Then they also say to young workers, do not save, because if you save, you are going to lose your Social Security benefits. Only if you save will you lose your Social Security benefits. That is a terrible signal to send to young workers at a time when we need savings and more and more. Maybe that is the worst part of it. But it is bad through and through.

We are here to correct a wrong and to do the right thing. We will not be deterred by the smoke screen that is put up on the other side of the aisle in defense of the wrong that they put on the books in 1993. I say to my colleagues, because I know we are going to get votes from people who are objective and know the right thing on the Democratic side, I say to all of my colleagues, vote against this substitute and vote for the bill. It is the right thing to do.

Ms. PELOSI. Mr. Speaker, over the past few months, it has become increasingly clear that the Republicans' only real agenda is tax breaks. I am not against cutting taxes. However, the Democratic approach of targeted tax cuts that get to those who need them most is better for our country.

The reduction of taxes for our nation's seniors is certainly a worthy goal, but we must not reach that goal by placing Medicare in jeopardy. The problem with the tax cut in the Republican bill is that it eliminates a dedicated tax source for the Medicare Trust Fund and replaces it with an IOU from the general fund.

As a result, we will have $100 billion less over the next 10 years to use to extend Medicare drug coverage, offer Medicare reductions made in 1997, and provide all seniors a true Medicare prescription drug benefit. These are vitally important goals and they should not be sacrificed for tax cuts.

The Democratic alternative targets this tax cut on low and middle-income seniors by raising the income threshold at which Social Security benefits are subject to taxation from $34,000 to $80,000. This provides tax relief while protecting the Medicare Trust Fund from losses. Protecting Medicare and Social Security must be a priority for this Congress. We must avoid losses to Medicare that will force seniors to pay higher out-of-pocket payments for the health care that they deserve. I urge my colleagues to support the Democratic substitute.

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

The SPEAKER pro tempore. Pursuant to House Resolution 564, the previous question is ordered on the bill and on the amendment by the gentleman from North Dakota (Mr. POMEROY).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Dakota (Mr. POMEROY).

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

Mr. POMEROY. 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 169, nays 256, not voting 10; as follows:

[Roll No. 449]

YEA S---169

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Ackerman
Andhres
Andrews
Baca
Baird
Baldacci
Baldwin
Bacara
Becerra
Benten
Berkley
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Blagonrspbough
Bonior
Boswell
Boucher
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Brown (WI)
Brown (OH)
Buck
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Capitol
Capparelli
Carson
Clayton
Clifford
Condit
Conyers
Cromley

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July 27, 2000

CONGRESSIONAL RECORD — HOUSE

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PERMISSION TO INSERT OMITTED REMARKS ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. MORAN of Virginia. Mr. Speaker, I understand that in my remarks yesterday, some of those remarks were inadvertently left out of the Journal. I ask unanimous consent to insert those remarks in their entirety.

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

There was no objection.

The text of the remarks as originally delivered is as follows:

Mr. MORAN of Virginia. Madam Chairman, perhaps some people take umbrage at the passion of the gentleman, perhaps some people take umbrage at the passion of the gentleman, perhaps some people take umbrage at the passion of 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 not react in the same passionate manner.

She is defending, not only her constituents, but a process, a democratic process, that she believes in 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 believe he 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 on 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? Just 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 just tell it like 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, out-of-pocket expense, for women during most of their lives, and that is because of men's irresponsibility that, darn it, 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 apply to them. They are self-insured.

Let me also say something, and I can only say this, I certainly would never say this if my own life were different, but having been educated in Catholic schools all my life, if I were a gay man, I would feel the same sense of frustration and disappointment that Councilman Jim Graham expressed on the D.C. council. That disappointment and the intolerance and, yes, the hypocrisy of the Catholic church as an institution towards homosexuality ought to be addressed. So I do not blame them for saying 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. The mayor 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 is elected. He understands it. He has a solution for it, and that is the way it should be, and what we are doing on this floor is not what should be done by this Congress. Madam Chairman, I gather we are going to continue this debate tomorrow.

RESIGNATION AS MEMBER OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on House Administration:

H. RES. 569

Hon. J. DENNIS HASTERT,
Riggs of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to submit my resignation from the Committee on House Administration. It has been a pleasure to serve on this committee during the 106th Congress. I will consider my resignation effective immediately.

Cordially,

THOMAS W. EWING,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON HOUSE ADMINISTRATION

Mrs. BIGGERT. Mr. Speaker, I offer a resolution (H. Res. 569), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution. The Clerk read as follows:

H. RES. 569

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on House Administration: Mr. LINDER of Georgia.

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

There was no objection.
The resolution was agreed to. 
A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EDWARDS. Mr. Speaker, on Tuesday of this week I was unable to be present in the House for rollcall votes 430 through 438. 
Had I been present, I would have voted "yes" on rollcalls 430, 431, 432, 434, 435, 436, 437, and 438 and "no" on rollcall 433.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4920, DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to engross the bill, H.R. 4920, in the form of the introduced bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? 
There was no objection.

WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

Mr. LEACH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table 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 or the International Development Association to combat the AIDS epidemic, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

SENATE AMENDMENT:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This title may be cited as the "Global AIDS and Tuberculosis Relief Act of 2000".

TITLES

TITLE IÐASSISTANCE TO COUNTRIES WITH LARGE POPULATIONS HAVING HIV/AIDS

CHAPTER 1ÐESTABLISHMENT OF THE FUND

Sec. 101. Short title.

Sec. 102. Definitions.

(a) FINDINGS.âCongress makes the following findings:

(1) AIDS.âThe term "AIDS" means the acquired immune deficiency syndrome.

(2) ASSOCIATION.âThe term "Association" means the International Development Association.

(3) BANK.âThe term "Bank" or "World Bank" means the International Bank for Reconstruction and Development.

(4) HIV.âThe term "HIV" means the human immunodeficiency virus, the pathogen which causes AIDS.

(5) HIV/AIDS.âThe term "HIV/AIDS" means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

Sec. 103. FINDINGS AND PURPOSES.

(a) FINDINGS.â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 disease 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 aloneâ1999âan estimated 620,000 became infected, of which 90 percent were babies 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 24,500,000âroughly 70 percent of the world's HIV/AIDS cases.

(5) Worldwide, there have already been an estimated 18,800,000 deaths because of HIV/AIDS, of which more than 80 percent occurred 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 and the 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 dramatically, potentially increasing threefold or more in the next 10 years, contributing to economic decimation, fragmentation, and political destabilization in already volatile and strained societies. Children without care or hope are often drawn into prostitution, crime, substance abuse, or child soldiery.

(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. Support structures and incentives for families, communities, and institutions which will provide care for children orphaned by HIV/AIDS, or for the children who are themselves afflicted by HIV/AIDS, will be essential.

(10) The 1999 annual report by the United Nations Children's Fund (UNICEF) states "(t)he number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an urgent response" and "(f)inding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community."

(11) The discovery of a relatively simple and inexpensive means of interrupting the transmission of HIV from an infected mother to her child (nearly with nevirapine (NVP), which costs US$4 a tabletâhas created a great opportunity for an unprecedented partnership between the United States Government and the governments of Asian African and Latin American countries to reduce mother-to-child transmission (also known as "vertical transmission") of HIV/AIDS.

(12) According to UNAIDS, if implemented this strategy will decrease the proportion of orphans that are HIV-infected and decrease infant and child mortality rates in these developing regions.

(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 to improve 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 in South Africa, Malawi, and Rwanda, in contrast to a life expectancy of 70 years of age in many of the countries without a high prevalence of AIDS.

(15) A January 2000 United States National Intelligence Estimate (NIE) report on the global infectious disease threat concluded that the economic costs 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 nations.

(16) According to the same NIE report, HIV prevalence among militaries in Angola and the Democratic Republic of the Congo are estimated at 40 to 60 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 AIDS estimating that 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 spread of HIV/AIDS, some developing nations—such as Uganda, Senegal, and Thailand—have implemented prevention programs that have substantially curbed the rate of HIV infection.

(19) The social, economic, and political ramifications for millions of Americans and the entire population which is potentially susceptible, and the entire population which is potentially susceptible.

(b) PURPOSES.—The purposes of this title are to—

(1) help prevent human suffering through the prevention, diagnosis, and treatment of HIV/AIDS; and

(2) help ensure the viability of economic development, stability, and national security in the developing world by advancing research to—

(A) understand the causes associated with HIV/AIDS in developing countries; and

(B) assist in the development of an AIDS vaccine.

Subtitle A—United States Assistance

SEC. 111. ADDITIONAL ASSISTANCE AUTHORITIES FOR PREVENTION OF HIV/AIDS AND AIDS

(a) ASSISTANCE FOR PREVENTION OF HIV/AIDS AND VERTICAL TRANSMISSION.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b)(c) is amended by adding at the end the following new paragraph:

"(4)(A) Congress recognizes the growing international dilemma of children with the human immunodeficiency virus (HIV) and the need for intervention programs aimed at this problem. Congress further recognizes that mother-to-child transmission prevention strategies can serve as a major force for change in developing regions, and it is, therefore, a major objective of the foreign assistance program to control the acquired immune deficiency syndrome (AIDS) epidemic.

(B) The agency primarily responsible for administering this part shall—

(i) coordinate with UNAIDS, UNICEF, WHO, national and local governments, and other appropriate entities to develop and implement effective strategies to prevent vertical transmission of HIV; and

(ii) coordinate with those organizations to increase intervention programs and introduce voluntary counseling and testing, antiretroviral drugs, replacement feeding, and other strategies.

(C) Of the funds appropriated under subparagraph (A), not less than 3.3 percent is authorized to be available for the support and education of orphans in sub-Saharan Africa, including orphans of whom are themselves infected by HIV and living with AIDS. Effectively addressing that burden and its consequences in sub-Saharan Africa will require a coordinated multidonor strategy.

(b) DEVELOPMENT OF STRATEGY.—The President shall coordinate the development of a multidonor strategy to provide for the support and education of AIDS orphans and the families, communities, 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, who is infected with the human immunodeficiency virus (HIV), the pathogen that causes the acquired immune deficiency virus (AIDS), or living with AIDS.

SEC. 114. AFRICAN CRISIS RESPONSE INITIATIVE AND HIV/AIDS TRAINING.

(a) FINDINGS.—Congress finds that—

(1) the spread of 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 military 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) EDUCATION ON THE PREVENTION OF THE SPREAD OF AIDS.—In undertaking education and training programs for military establishments 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 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 interested parties, for the creation of the World Bank AIDS Trust Fund, 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 should 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;

(2) provide support for the establishment of programs that provide health care and primary and secondary education for children orphaned by the HIV/AIDS epidemic.

(c) COMPOSITION.—

(1) IN GENERAL.—The Trust Fund should be governed by a Board of Trustees, which should be composed of representatives of the participating donor countries to the Trust Fund.

(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, by and with the advice and consent of the Senate, and who shall have the qualifications described in paragraph (3).

(b) EFFECTIVE AND TERMINATION DATES.—

(i) EFFECTIVE DATE.—This paragraph shall take effect upon the date of enactment of this Act, and shall establish the Trust Fund and provide for a United States member of the Board of Trustees in its effective date.

(ii) TERMINATION DATE.—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

SEC. 202. GRANT AUTHORITY.

(a) PROGRAM OBJECTIVES.—

(i) IN GENERAL.—In carrying out the purpose of subsection (d), the Trust Fund, acting through the Board of Trustees, shall provide grants only, including grants for technical assistance to support measures to build local capacity in national and local government, civil society, and the private sector to lead and implement effective and affordable HIV/AIDS prevention, education, treatment and care services, and research and development activities, including access to affordable drugs.

(ii) ACTIVITIES SUPPORTED.—Among the activities the Trust Fund should provide grants for should be—

(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 and alternatives for infants; and

(E) programs to provide for the support and education of AIDS orphans and the families, communities, and institutions most affected by the HIV/AIDS epidemic.

(iii) FLEXIBILITY.—In carrying out the objectives of paragraph (1), the Trust Fund should coordinate its activities with governments, civil society, non-governmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, the private sector, and financial organizations working to combat the HIV/AIDS crisis.

(b) PRIORITY.—In providing grants under this section, the Trust Fund should give priority to countries that have the highest HIV/AIDS prevalence rate or are at risk of having a high HIV/AIDS prevalence rate.

(c) ELIGIBLE GRANT RECIPIENTS.—Governments and other nongovernmental organizations should be eligible to receive grants under this section.

(d) PROHIBITION.—The Trust Fund should not make grants for the purpose of project development associated with bilateral or multilateral bank loans.

SEC. 203. ADMINISTRATION.

(a) APPOINTMENT OF AN ADMINISTRATOR.—The Board of Trustees, in consultation with the appropriate officials of the Bank, should appoint an Administrator who should be responsible for managing the day-to-day operations of the Trust Fund.

(b) AUTHORITY TO SOLICIT AND ACCEPT CONTRIBUTIONS.—The Trust Fund should be authorized to solicit contributions from governments, the private sector, and nongovernmental entities of all kinds.

(c) ACCOUNTABILITY OF FUNDS AND CRITERIA FOR PROGRAMS.—As part of the negotiations described in section 121(a), the Secretary of the Treasury shall, consistent with subsection (d)—

(i) ensure that the Bank or the Association will have in effect adequate procedures and standards to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(ii) seek agreement on the criteria that should be used to determine which programs and activities should be supported by the Trust Fund.

SEC. 204. TRUST FUND.

(a) IN GENERAL.—There should be an Advisory Board to the Trust Fund.

(b) APPOINTMENTS.—The members of the Advisory Board should be—

(i) representatives of significant international organizations;

(ii) representatives of affected countries;

(iii) representatives of affected communities; and

(iv) representatives of affected communities.

(c) COMPENSATION.—The Advisory Board should provide advice and guidance to the Board of Trustees on the development and implementation of programs and projects to be assisted by the Trust Fund and on leveraging donations to the Trust Fund.

(d) PROHIBITION ON PAYMENT OF COMPENSATION.—

(i) IN GENERAL.—Except for travel expenses (including per diem in lieu of subsistence, while away from the home office or regular place of business), the Board of Trustees should not pay compensation for services performed as a member of the Board.

(ii) REPRESENTATIVE OF THE UNITED STATES.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board should receive compensation for services performed as a member of the Board.

(e) TRANSPARENCY OF OPERATIONS.—

(i) IN GENERAL.—Except for travel expenses, including per diem in lieu of subsistence, while away from the home office or regular place of business, the Board of Trustees should not pay compensation for services performed as a member of the Board.

(ii) REPRESENTATIVE OF THE UNITED STATES.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board should receive compensation for services performed as a member of the Board.

(f) FUNDAMENTAL PRINCIPLES.—The Trust Fund should be used to determine the programs and activities described in section 121(a), the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

SEC. 205. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS BY TREASURY SECRETARY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date of termination of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

SEC. 206. REPORTS.

(a) ANNUAL REPORTS BY TREASURY SECRETARY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date of termination of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

(ii) REPORT ELEMENTS.—The report shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities, including any vaccination approaches, supported by the Trust Fund;

(C) 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.

(iii) IMPACT.—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 subparagraph (a)(2)(B) in reducing the worldwide spread of AIDS; and

(B) an assessment of the merits of continued United States financial contributions to the Trust Fund.

SEC. 207. APPROPRIATE COMMITTEES DEFINED.—In subsection (a), the term "appropriate committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Banking and Financial Services, and the Committee on Appropriations of the House of Representatives.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any other funds authorized to be appropriated to the Trust Fund, the United States should make grants to the Trust Fund to support programs, projects, and activities described in subsection (a)(2)(B) in reducing the worldwide spread of AIDS; and

(b) STAFF SUPPORT.—In addition to any other funds authorized to be appropriated to the Trust Fund, the United States should make grants to the Trust Fund to support programs, projects, and activities described in subsection (a)(2)(B).

SEC. 209. DUTY.—The Secretary of the Treasury shall, in consultation with the appropriate officials of the Bank, ensure that the activities of the Trust Fund are consistent with the purposes of the United States and the Western World.

SEC. 210. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS BY TREASURY SECRETARY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date of termination of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

SEC. 211. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS BY TREASURY SECRETARY.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date of termination of the Trust Fund, the Secretary of the Treasury shall submit to the appropriate committees of Congress a report on the Trust Fund.

(ii) REPORT ELEMENTS.—The report shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities, including any vaccination approaches, supported by the Trust Fund;

(C) 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.

(iii) IMPACT.—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 subparagraph (a)(2)(B) in reducing the worldwide spread of AIDS; and

(B) an assessment of the merits of continued United States financial contributions to the Trust Fund.

CHAPTER 3—UNITED STATES FINANCIAL PARTICIPATION

SEC. 212. CERTIFICATION REQUIREMENTS.

(a) IN GENERAL.—Prior to the making of the final obligation or expenditure of funds appropriated pursuant to section 141, the Secretary of the Treasury shall certify that the programs, projects, and activities described in subsection (a)(2)(B) are consistent with the purposes of the United States and the Western World.

(b) STAFF SUPPORT.—In addition to any other funds authorized to be appropriated to the Trust Fund, the United States should make grants to the Trust Fund to support programs, projects, and activities described in subsection (a)(2)(B).
population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

5. With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born tuberculosis, it will never be controlled in the United States until it is controlled abroad.

6. The means 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 labor-intensive and lengthy process involved in screening, detecting, and treating the disease;
   - A lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;
   - Differences in circumstances in each country, which requires the development and implementation of country-specific programs; and
   - The risk of having a bad tuberculosis program, which is worse than having no tuberculosis program because it 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 tuberculosis public health problem posed by the disease.

SEC. 203. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)), as amended by section 111(a) of this Act, is further amended by adding at the end thereof the following:

"(e) RELATION TO OTHER PROVISIONS. Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law."

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment is considered as read and printed in the RECORD.

There was no objection.

Mr. LEACH. Mr. Speaker, will the gentlewoman yield?

Mrs. LEE. Further, the Laborers' Committee for Political Action will remain available and may be reobligated to carry out this new program of assistance.

TITLE III—ADMINISTRATIVE AUTHORITIES

SEC. 301. EFFECTIVE PROGRAM OVERSIGHT.

Section 635 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read 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 notwithstanding any provision of law restricting the expenditure of funds.

(b) The President is authorized to remain available until expended. Funds obligated under the authority of such Acts prior to the effective date of the termination of assistance under such Acts prior to the termination of assistance pursuant to any provision of law."

The SPEAKER pro tempore (during the reading). Without objection, the Senate amendment is considered as read and printed in the RECORD.

There was no objection.

Mr. LEACH. Mr. Speaker, will the gentlewoman yield?

Mrs. LEE. Further, the Senate amendment is considered as read and printed in the RECORD.

There was no objection.

Mr. LEACH. Mr. Speaker, I would like to simply thank the gentlewoman for her leadership, also that of her predecessor, Mr. Fogleman on our staff and Mr. McCorristick on our staff and the Senate leadership and staff of the Senate Foreign Relations Committee that has worked so closely with us.

By perspective, let me just very briefly say that nothing is more difficult than to provide some sort of perspective to issues of the day, but if we look at the 14th century, 20 million people died of the bubonic plague, and it would be hard to conclude that that was not the most important incident of the century. We have almost reached that figure with AIDS. Within a decade we may reach 30 million people dying of AIDS. It is something but inconceivable not to conclude that exterminating this deadly disease is not the most important issue of our age.
This approach that we have adopted is seminal. It is a part of the picture of dealing with AIDS, not the whole picture but a very significant part and with the combination of reduction in debt burdens of the developing world and an increasing effort by the United States Congress has ever taken for the developing world and one of the most significant efforts the United States Congress has ever taken towards disease control and prevention. 

This is an extraordinary, symbolic measure, one that we are going to have to build upon but a firm and thoughtfull step in the right direction. Let me thank the gentleman again for her help and leadership in this cause.

Mr. LAFALCE. Mr. Speaker, I want to express my thanks to Chairman LEACH and to Chairman GILMAN for the cooperation they have shown in bringing this Senate amended language to the floor on an expedited basis. I also offer my congratulations to Congresswoman STEFANIK for her initiative on, and consistent commitment to, this legislation. Without her, this much-needed bill would not becoming law. Moreover, she has led the fight for appropriations for this trust fund that will help the World Bank tackle the scourges of AIDS and tuberculosis that so tragically threatens the lives of too many people in Africa.

No outcome was more gratifying than the world's governments and organizations taking targeted and expeditious action to fight it alone should be ignored by our efforts.

Taking targeted and expeditious action to begin to fight the disease and contain the pandemic. As we all know, although Sub-Saharan Africa has only 10 percent of the world's population, it suffers roughly 70 percent of the HIV/AIDS cases. We also know that if HIV/AIDS reaches a certain prevalence, it can explosively infect a population, and some areas in addition to Africa are threatened. No country in the world seriously threatened by this disease and unable to fight it alone should be ignored by our efforts.

There was no objection. A motion to reconsider was laid on the table.

LONG-TERM CARE SECURITY ACT

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4040) 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. The provision in the bill will be grappling with this component, and in the course of a consortium, considering the member companies and any subsidiaries thereof, collectively.

(8) STATE.—The term ‘State’ includes the District of Columbia.

(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term ‘qualified long-term care insurance contract’ has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

(10) APPROPRIATE SECRETARY.—The term ‘appropriate Secretary’ means—

(a) except as otherwise provided in this paragraph, the Secretary of Defense; 

(b) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation; 

(c) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; 

(d) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

(11) Availability of insurance.—

(a) In general.—The Secretary of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer...
a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

(b) General requirements.

(1) Long-term care insurance may not be offered under this chapter unless—

(i) the cost of any such coverage is made available in the case of any individual who would be eligible for benefits immediately.

(ii) evidence of insurability provided is issued by a qualified carrier.

(iii) each insurance contract under which such coverage is provided is issued by a qualified carrier.

(iv) long-term care insurance coverage be guaranteed to be available in the case of any individual who would be eligible for benefits immediately.

(v) the premium charged shall be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

(vi) nonrenewability. A master contract under this chapter may not be made automatically renewable.

(vii) payment of required benefits; dispute resolution.

(1) In general. Each master contract under this chapter shall contain—

(i) to establish internal procedures designed to expediently resolve such disputes; and

(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for one or more alternative means of dispute resolution involving independent third-party review underwritten standards by entities mutually acceptable to the Office and the carrier.

(2) Eligibility. A carrier’s determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

(3) Other claims. For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(b) of such Act); and

(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10a(3) of such Act relative to such a dispute.

(iv) Duty of applicant. Each carrier participating under this chapter shall maintain records that permit it to account for premiums and other amounts (including investment earnings on those amounts) separate and apart from all other funds.

(v) Reasonable initial costs. (A) In general. The Employees’ Life Insurance Fund is available, without fiscal year limitation, to finance the expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B).

(B) Reimbursement requirement. Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for amounts otherwise expended by the Office (whether as a result of dissolution of marriage or otherwise).
such records of the carrier as may be necessary to the General Accounting Office to examine provisions under this chapter; and

Each master contract under this chapter shall be prescribed by the Office in consultation with the provisions which shall be included in master contracts. This chapter during such year (adjusted to reconcile for any earlier over-estimates or underestimates under this subpara-graph) are defrayed.

§ 9005. Preemption

The master contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

§ 9006. Studies, reports, and audits

(a) Provisions relating to carriers.— Each master contract under this chapter shall contain provisions relating to the carrier—

(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out purposes of this chapter.

(b) Provisions relating to Federal agencies.— Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

(c) Reports by the General Accounting Office.— The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years following enactment of this chapter, a report including such recommendations as the Offic...
(3) CSRD.—The term “CSRD” means the Civil Service Retirement and Disability Fund.

(4) CSRS COVERED.—The term “CSRS covered,” with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, and to section 8334(k) of such title.

(5) CSRS-OFFSET COVERED.—The term “CSRS-Offset covered,” with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, and to section 8334(k) of such title.

(6) EMPLOYEE.—The term “employee” means the OASDI employee tax, the OASDI employee tax, the OASDI employee tax, or the OASDI employee tax, as the case may be.

(7) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director appointed under section 2447 of title 5, United States Code.

(8) FERS.—The term “FERS” means the Federal Employees’ Retirement System.

(9) FERS COVERED.—The term “FERS covered,” with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(10) FORMER EMPLOYEE.—The term “former employee” means an individual who was an employee or the survivor of an employee.

(11) OASDI TAXES.—The term “OASDI taxes” means the OASDI employee tax and the OASDI employee tax.

(12) OASDI EMPLOYEE TAX.—The term “OASDI employee tax” means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986, or section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI EMPLOYER TAX.—The term “OASDI employer tax” means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(14) OASDI TRUST FUNDS.—The term “OASDI trust funds” means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(15) OFFICE.—The term “Office” means the Office of Personnel Management.

(16) RETIREMENT COVERAGE DETERMINATION.—The term “retirement coverage determination” means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-OFFSET covered, FERS covered, or Social Security-Only covered.

(17) RETIREMENT COVERAGE ERROR.—The term “retirement coverage error” means an erroneous retirement coverage determination that is determined to have been made by an employee or any other individual under this title shall be irrevocable.
CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN FERS COVERED, CSRS-OFFSET COVERED, OR CSRS COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SECURITY-ONLY COVERED INSTEAD

SEC. 2111. APPLICABILITY. This chapter shall apply in the case of any employee who—

(A) is (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(B) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(C) is (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

SEC. 2112. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected, the corrective action previously taken shall remain in effect.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

SEC. 2121. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS OR CSRS-OFFSET COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered employee was erroneously CSRS covered or CSRS-Offset covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (3).

(2) COVERAGE.—In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such individual shall be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(c) ELECTION.—(A) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to remain CSRS covered or to be Social Security-Only covered, as would have applied in the absence of the erroneous retirement coverage determination, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(ii) TREATMENT OF FERS ELECTION.—An election described in paragraph (1)(A) is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99-335; 100 Stat. 599).

(B) NONELECTION.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain FERS covered, effective as of the date of the retirement coverage error.

(3) EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.—If under this section, an individual elects to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(c) CORRECTED ERROR. —

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described in paragraph (2).

(2) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, or to be FERS covered, effective as of the date of the retirement coverage error.

(3) NONELECTION.—If an eligible individual does not make an election under paragraph (2), the corrective action taken before the end of any time limitation under this subsection shall remain in effect.

(4) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99-335; 100 Stat. 599).

SEC. 2131. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered, CSRS covered, or CSRS-Offset covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b) DECLINING FERS COVERAGE.—(1) A retirement coverage error, is (or was) CSRS-Offset covered, or Social Security-Only covered, an individual may elect, under regulations prescribed by the Office, to be FERS covered instead, as of the date of the erroneous retirement coverage determination.

(2) ELECTION.—If an individual described under paragraph (1) declines to be FERS covered, such individual shall be CSRS covered, CSRS-Offset covered, or Social Security-Only covered, as would apply in the absence of a FERS election, effective as of the date of the erroneous retirement coverage determination.

(c) INAPPLICABILITY OF DURATION OF ERROR COVERAGE.—This section shall apply regardless of the length of time the erroneous coverage determination remained in effect.

SEC. 2132. FERS-ELIGIBLE EMPLOYEE WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR SOCIAL SECURITY-ONLY COVERED, BUT WHO IS A SOCIAL SECURITY-ONLY COVERED EMPLOYEE WHO SHOULDN'T BE FERS-ELIGIBLE.

(a) IN GENERAL.—

(i) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99-335; 100 Stat. 599).

(ii) TREATMENT OF FERS ELECTION.—An election described in paragraph (1) is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99-335; 100 Stat. 599).

(b) DECLINING FERS COVERAGE.—(1) An eligible individual who should have been FERS-eligible, as would apply in the absence of a retirement coverage error, is (or was) Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would apply in the absence of a retirement coverage error.

(2) A corrective action taken before the date of the erroneous retirement coverage determination shall remain in effect.

(c) NONELECTION.—If an eligible individual declines, under regulations prescribed by the Office, to be FERS covered, such individual shall be CSRS covered, as would apply in the absence of a FERS election, effective as of the date of the erroneous retirement coverage determination.

(d) ELECTION IN EFFECT.—This section shall be applicable.

(e) EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.—If under this section, an individual declines to be FERS covered and instead is Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would apply in the absence of a FERS election, any employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) shall remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

SEC. 2141. APPLICABILITY. This chapter shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered.

SEC. 2142. CORRECTION MANDATORY. An individual who is erroneously Social Security-Only covered, CSRS covered, or CSRS-Offset covered, is deemed to have elected FERS coverage, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

SEC. 2151. APPLICABILITY. This chapter shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered.
SEC. 2201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

Government agencies shall take all such measures as may be reasonable and appropriate to promptly identify and notify individuals who are (or have been) affected by a retirement coverage error of their right under this title.

SEC. 2202. INFORMATION TO BE FURNISHED TO AND BY AUTHORITIES ADMINISTERING THIS TITLE.

(a) APPLICABILITY.—The authorities identified in this section may require for the purpose of carrying out their responsibilities under this title, (1) the Director of the Office of Personnel Management; (2) the Commissioner of Social Security; and (3) the Executive Director of the Federal Retirement Thrift Investment Board.

(b) AUTHORITY TO OBTAIN INFORMATION.—Each authority identified in subsection (a) may provide directly to any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this title. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) AUTHORITY TO PROVIDE INFORMATION.—Each authority identified in subsection (a) may provide directly to any department or agency of the United States all information such authority believes necessary to enable the department or agency to carry out its responsibilities under this title.

(d) LIMITATION; SAFEGUARDS.—Each of the respective authorities under subsection (a) shall—(1) provide only such information as that authority considers necessary; and (2) establish, by regulation or otherwise, appropriate procedures for computing and safeguarding the information obtained under this section.

SEC. 2203. SERVICE CREDIT DEPOSITS.

(a) CSRS DEPOSIT.—In the case of a retirement coverage error—(1) a FERS covered employee was erroneously CSRS covered or CSRS-Offset covered; (2) the employee made a service credit deposit under the CSRS rules; and (3) there is a subsequent retroactive change to FERS coverage; the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code, and regulations prescribed by the Office, shall be paid to the employee, the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8424(d) of title 5, United States Code.

(b) FERS DEPOSIT.—(1) APPLICABILITY.—This subsection applies in the case of an erroneous retirement coverage determination in which—(A) the employee owed a service credit deposit under section 8411(f) of title 5, United States Code; and (B) there is a subsequent retroactive change to CSRS or CSRS-Offset coverage; or (ii) the service becomes creditable under chapter 83 of title 5, United States Code.

(2) REDUCED ANNUITY.—(A) IN GENERAL.—If, at the time of commencement of a survivor annuity, there is remaining any unreduced annuity payable under FERS (as adjusted by amounts transferred for the payment of such taxes as a result of corrections made, including corrections made before the date of enactment of this Act), the amount of the unreduced annuity benefit that would have been provided the individual.

(2) TRANSFER.—Amounts transferred under this subsection shall be determined notwithstanding any limitation under section 6501 of the Internal Revenue Code of 1986.

(e) APPLICATION OF OASDI TAX PROVISIONS TO RETIREMENT COVERAGE ERRORS FOR CERTAIN INDIVIDUALS.

(a) APPLICABILITY.—This section applies to an individual who—(1) is eligible to make an election of coverage under section 2101 or 2102, and only if FERS coverage is elected (or remains in effect) for the employee involved; or (2) is described in section 2111, and makes or has made retroactive employee contributions to the Thrift Savings Fund under regulations prescribed by the Executive Director.

(b) PAYMENT INTO THrift SAVINGS FUND.—(1) IN GENERAL.—With respect to an individual to whom this section applies, the employing agency shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, to the amount that is as close as practicable to the amount computed under subparagraph (A), taking into account earnings previously paid.

(c) EXCEPTIONS.—If an individual made retroactive contributions before the effective date of the regulations under section 2101(c), the Director may provide for an alternative calculation of lost earnings to the extent that a calculation under subparagraph (B) is not administratively feasible.

(d) AMOUNT.—Earnings under subparagraph (A) shall be computed in accordance with the provisions for computing lost earnings under section 842a of title 5, United States Code. The amount paid by the employing agency shall be treated for all purposes as if that amount had actually been earned on the basis of the employee’s contributions.

(e) ADDITIONAL EMPLOYEE CONTRIBUTION.—In cases in which the retirement coverage error was corrected before the effective date of the regulations under section 2101(c), the employee shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions (including any contributions made before the date of enactment of this Act) shall be treated in accordance with paragraph (1).
carry out this section relating to retroactive employee contributions and payments made on or after the effective date of the regulations under section 210(c).

(2) IN GENERAL.—The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section relating to the calculation of loss, recovery of employee contributions made before the effective date of the regulations under section 210(c).

SEC. 2206. CERTAIN AGENCY AMOUNTS TO BE PAID INTO OR REMAIN IN THE CS RDF.

(a) Certain Excess Agency Contributions To Remain in the CS RDF.—

(1) IN GENERAL.—Any amount described under paragraph (2)—(A) remain in the CS RDF; and

(B) may not be paid or credited to an agency.

(2) AMOUNTS.—Paragraph (1) refers to any amount of contributions made by an agency under section 8423 of title 5, United States Code, on behalf of any employee, former employee, or annuitant (or survivor of such employee, former employee, or annuitant) who makes an election to correct a retirement coverage error under this title, that the Office determines to be excess as a result of such election.

(b) Additional Employee Retirement Deductions To Be Paid By Agency.—If a correction in a retirement coverage error results in an increase in deductions under section 8334 or 8422 of title 5, United States Code, that cannot be fully paid by a reallocation of otherwise available amounts previously deducted from the employee’s pay as employment taxes or retirement deductions, the employing agency—

(1) shall pay the required additional amount into the CS RDF; and

(2) shall not seek repayment of that amount from the employee, former employee, annuitant, or survivor.

SEC. 2207. CSRS COVERAGE DETERMINATIONS TO BE APPROVED BY OPM.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency’s coverage determination is correct.

SEC. 2208. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) IN GENERAL.—The Director of the Office of Personnel Management may—

(1) extend the deadlines for making elections under this title, including those elections involving an individual’s inability to make a timely election due to a cause beyond the individual’s control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney’s fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses due to non contributory or earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive payments required due to correction of a retirement coverage error under this title.

(b) SIMILAR ACTIONS.—In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) JUDICIAL REVIEW.—Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) REPORT.—The Office of Personnel Management shall, not later than 180 days after the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is in effect, submit a report to each House of Congress on the operation of this section.

SEC. 2209. REGULATIONS.

In addition to the regulations specifically authorized in this title, the Office may prescribe such other regulations as are necessary for the administration of this title.

(b) FORMER REGULATIONS.—Any regulations prescribed under this title shall provide for protection of the rights of a former spouse with entitlement to an annuity, or survivor benefits based on the service of the employee.

Subtitle C—Other Provisions

SEC. 2301. PROVISIONS TO AUTHORIZE CONTINUING CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—Sections 827 and 851 of the Foreign Service Act of 1980 (22 U.S.C. 4067 and 4071) shall apply with respect to this title in the same manner as if this title were part of—

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees’ Retirement System, to the extent this title relates to the Federal Employees’ Retirement System.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 202 and 448 of the Intelligence Agency Retirement Act (50 U.S.C. 2314 and 2315) shall apply with respect to this title in the same manner as if this title were part of—

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees’ Retirement System, to the extent this title relates to the Federal Employees’ Retirement System.

SEC. 2302. AUTHORIZATION OF PAYMENTS.

All payments authorized or required by this title to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this title, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 2303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS OTHER THAN THOSE PROVIDED FOR UNDER THIS TITLE.

Nothing in this title shall preclude an individual from bringing a claim against the Government in any court of competent jurisdiction for any amounts otherwise provided for under this title.

Subtitle D—Effective Date

SEC. 2401. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this Act.

Amend the title so as to read: “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, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.”;

House amendments to Senate amendments:

Page 2, line 7, strike “and”.

Page 2, line 9, strike the comma and insert “;

Page 2, after line 9, insert the following: “(C) an individual employed by the Tennessee Valley Authority,

Page 29, line 18, insert “under title 5, United States Code,” after “limit.”

Page 42, line 1, insert “under title 5, United States Code,” after “limit.”

Page 50, strike line 3 and all that follows through “Office” in line 5, and insert the following:

(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—The Office (and run-in the remaining text of paragraph (3)).

Page 50, strike lines 16 through 19.

Page 51, strike lines 7 through 19.

Mr. SCARBOROUGH (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. Speaker, I am pleased that the framework proposed in H.R. 110, my long-term care proposal, allowing OPM to contract with a single carrier or consortia to provide long-term care insurance to Federal employees in permitting OPM to negotiate premiums and benefits on behalf of Federal employees is adopted in H.R. 4040.

This employer group model will allow Federal employees to realize from 15 percent to 20 percent in premium savings. In addition to establishing a program to provide long-term care insurance to Federal employees and military personnel, the Senate amended H.R. 4044 with the text of S. 2420, which included the Federal Long-term Care Security Act.

S. 2420 provides relief to those Federal employees who were placed in the wrong retirement system during transition to the Federal employment retirement system from the civil service retirement system during the 1980s. Under current law, Federal agencies are required to correct a retirement coverage error by forcing the affected employers into FERS.

The Federal Error Correction Act would permit the employees who had been victims of an enrollment error to remain in the retirement system they were erroneously placed in.
CUMMINGS), the ranking member; the gentleman from Maryland (Mr. BOROUGH), who chaired the committee; the gentleman from Florida (Mr. SCARBOROUGH), who worked diligently on their own version of this bill, but believed very much that their versions were the best versions of the bill, as did I on mine. Both of them worked around the clock. The great thing is, I think we have got the best of all worlds from every bill. And I know there are so many people out there who have better long-term health care insurance plan because of what the gentleman from Maryland (Mr. CUMMINGS) did, and obviously because of what the gentlewoman from Maryland (Mrs. MORELLA) did.

I have so many Federal retirees, military retirees, in my district that are grateful for the hard work they have done, work they did before I even became chairman of this committee, the gentleman from Florida (Mr. MICA) did. The gentleman from Indiana (Chairman BURT) certainly helped; the gentleman from California (Mr. WAXMAN), the ranking member, helped a great deal; the gentleman from Virginia (Mr. DAVIS); the gentleman from Texas (Chairman ARCHER).

I would also like to thank our staffs that worked for a very, very long time on this bill, on my staff in particular, Gary Ewing and Jennifer Hemingway, but it is going to help everybody. Long-term care security is a consensus bill. It is reflective of the hard work of Members on both sides of the aisle, and it is going to provide really assurance to Federal employees and retirees and military retirees, and so many others that they are going to be taken care of, and they are going to be able to get long-term health care insurance. It is important for all us.

The Senate language on long-term care is identical to the language that the House passed just last May. The bill also contains provisions to correct a long-standing inequity for Federal employees who, through no fault of their own, were erroneously placed in the wrong retirement system.

The amendments make several technical changes to the retirement corrections portion of this bill. And, in addition, in consultation, with Senator Thomas, the Tennessee Valley Authority, among the list of those eligible to purchase long-term care insurance. It is not only good for them, it is not only good for Federal employees that work here and throughout Washington, the country, it is good for all of America.

Mr. Speaker, I am confident that this bill is going to be landmark legislation that the private sector will be able to follow and we will be able to provide long-term health care to all Americans.

Mr. Speaker, I urge Members to support H.R. 4040, as amended.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection. The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Florida? There was no objection. A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Lundregen, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:
S. 2889. An act to protect religious liberty, and for other purposes.
S. Con. Res. 132. Concurrent resolution providing for a conditional adjournment or recess of the Senate and conditional adjournment of the House of Representatives.

PERMISSION FOR COMMITTEE ON SCIENCE TO HAVE UNTIL MID-NIGHT AUGUST 31, 2000 TO FILE A REPORT ON H.R. 4271, NATIONAL SCIENCE EDUCATION ACT
Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the Committee on Science may have until midnight on August 31, 2000 to file a report to accompany H.R. 4271. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.
California (Mr. Berman); and the gentleman from Illinois (Mr. LaHood).

Mr. Speaker, this resolution draws attention to the tremendous service that has been provided by the community health centers for the last 35 years. In fact, from the very first day, these centers have stood in the gap between crisis and health care delivery for hundreds of thousands of individuals over that period of time, especially individuals from low-income, from inner city, from rural, individuals who were homeless, individuals who otherwise would have had no health care services that they could have been recipients of.

I believe that we ought to establish a National Health Center Week so that we can point out how important these centers have truly been. I happen to know, Mr. Speaker, that there are several Members of Congress who themselves have either worked as staff, for example, or board members of these centers, the gentlewoman from North Carolina (Mrs. Clayton) at Soul City; the gentleman from Mississippi (Mr. Thompson) at the Jackson Heinze Health Center; the lady from North Carolina (Mrs. Davis), my colleague and friend. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

WHEREAS there are more than 1,029 such health centers serving more than 11,000,000 people at 3,200 health delivery sites, spanning urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas such health centers have provided cost-effective, quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system, increasing health access, accessibility, and reducing health disparities;

Whereas these health centers engage citizens and providers in the delivery of health care, working collaboratively within the community to meet the special needs and priorities of those who otherwise would not have access to health care;

Whereas these health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas these health centers, with a total operating budget of $4,000,000,000, bolster and stabilize communities by stimulating development and investment, operating more than $14,000,000,000 in community economic development each year;

Whereas these health centers engage citizen participation and provide jobs for 50,000 community residents; and

Whereas the establishment of a National Community Health Center Week for the beginning on which would raise awareness of the health services provided by these health centers: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers; and

(2) the President should issue a proclamation calling on the people of the United States and interested organizations to observe such a week with appropriate programs and activities.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Without objection, the Chair lays before the House the following Senate concurrent resolution (S. Con. Res. 132), providing for a conditional adjournment or recess of the Senate and conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

SEC. 2. The Majority Leader of the Senate (the House of Representatives concurring), in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, at 2:00 p.m., whichever occurs first; and when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of September 6, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly
after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.  

The SPEAKER pro tempore. Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, House Resolution 567 is laid on the table.

There was no objection.

SENSE OF HOUSE THAT PRESIDENT AND ADMINISTRATION FOCUS APPROPRIATE ATTENTION ON ISSUE OF NEIGHBORHOOD CRIME

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 561) expressing the sense of the House of Representatives that the President and the administration focus appropriate attention on the issue of neighborhood crime prevention, community policing and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority.

The Clerk read the title of the resolution.

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

Mr. STUPAK. Mr. Speaker, reserving the right to object, but I shall not object, as I have introduced this resolution to emphasize the importance of crime prevention at the local level and to recognize the efforts of National Night Out.

I am pleased to say that this bipartisan resolution has more than 75 cosponsors. I would like to specifically thank the chairman and ranking member of the Committee on the Judiciary and the chairman and ranking member of the Subcommittee on Crime for their help in bringing this bill to the floor, and the gentleman from Minnesota, Mr. RAMSTAD, the cochair of the Law Enforcement Caucus, who has worked tirelessly with me on these important law enforcement issues.

My resolution calls upon the President to focus on neighborhood crime prevention programs, community policing and reducing school crime.

It also highlights National Night Out, which is coming up on August 1, as a successful national program, which exemplifies the goals of crime reduction through neighborhood and community efforts.

National Night Out is a nationwide event which combines a nationally coordinated crime prevention campaign with local communities and law enforcement organizations to take a stand against crime.

This year’s National Night Out is the 10th annual event in the campaign by the National Association of Town Watch to fight crime. National Night Out has prospered year after year and now includes citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations and local officials from 9,500 communities from all 50 states, the District of Columbia, U.S. territories and military bases worldwide.

In 1999, 32.5 million people participated in National Night Out. Those 32 million people joined together and sent a message, loud and clear, that they do not want crime in our neighborhoods and streets and that they want to keep working together until our communities are safe.

I firmly believe that a focus on neighborhood crime and community crime prevention is essential. It is for this reason that I have long supported the COPS Program in the Department of Justice, and I am a strong supporter of National Night Out.

As a former police officer who used to fight crime on the local and State level, I can tell you these programs work. Personal involvement in one’s community, individual attention to our youth, taking responsibility for ourselves and others, these things make a difference.

Each of us will be returning next week to our districts for the August recess. I hope that each of us will take the opportunity to participate in National Night Out events in our communities, and show the strength of our national commitment to stop crime and keep our communities safe.

I also take this opportunity to urge President Clinton to continue to focus national attention on reducing crime and to continue his efforts to promote neighborhood crime prevention and community policing. It is true that crime has been going down under his watch, but we cannot just do more.

National Night Out community events need not only happen once a year. I would like to see a time come when our communities get together with the same unity and spirit on these occasions, youth events and cookouts, not because they are fighting crime, but because their communities are safe enough, close enough, and involved enough that their cooperation and unity is an everyday occurrence. That is the America of the past, and it can be the America of the future.

Mr. Speaker, I urge unanimous consent of this House resolution.

Mr. Speaker, I withdraw my reservation of apposition.

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

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 561

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at reducing awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation’s war on drugs by helping to prevent their communities from becoming markets for drugs; and

Whereas crime and violence in schools is of continuing concern to the American people due to the recent high-profile incidents that have resulted in fatalities at several schools across the United States;

Whereas community-based programs involving law enforcement, school administration, teachers, parents, and local communities work effectively to reduce school violence and crime;

Whereas citizens across America will soon take part in a “National Night Out,” a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 7 to 10 o’clock P.M. on August 1, 2000, with their neighbors in their homes with their lights on; and

Whereas schools that turn their lights on from 7 to 10 o’clock P.M. on August 1, 2000, would send a positive message to the participants of “National Night Out” and would show their commitment to reduce crime and violence in schools: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority.

The SPEAKER pro tempore. Without objection, the resolution was agreed to.

A motion to reconsider was laid on the table.

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the Senate bill (S. 2869) to protect religious liberty, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. NADLER. Mr. Speaker, I urge unanimous consent to take from the Speaker’s table the Senate bill (S. 2869) to protect religious liberty, and for other purposes, and ask for its immediate consideration in the House.

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

Mr. NADLER. Mr. Speaker, I urge unanimous consent of this House bill.

Mr. Speaker, I withdraw my reservation of apposition.

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

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 561

Whereas religious liberty is the foundation of American society;
uses the recognized constitutional authority of the Congress to protect one of the most fundamental aspects of religious freedom, the right to gather and worship, and to protect the religious exercise of a class of people particularly vulnerable to government regulation, and that is institutionalized persons.

While this bill does not fill the gap in the legal protections available to people of faith in every circumstance, it will fill the legal protection in two important areas where the right to religious exercise is frequently infringed. I want to express my gratitude, especially to Senator HATCH and Senator Kennedy for their great effort over the last months in bringing this bill forward to passage today in the United States Senate. Without their efforts, obviously, we would have been unsuccessful in our ongoing efforts to protect religious liberty in America.

I must also express my deep gratitude to the gentleman from New York (Mr. Nadler) for his cooperation and work on this piece of legislation. Without his effort we would not have been able to succeed in bringing this forward. I also wish to thank the gentleman from Texas (Mr. Edwards) for his outstanding work on this important topic.

Finally, I would like to thank a member of the staff of the Sub-committee on the Constitution, Cathy Cleaver, for her long hours of hard work on this legislation.

I would urge that the House proceed to passage of this bill.

Mr. Nadler. Mr. Speaker, further, realizing the right to object, I am very glad to join my good friend from Florida in urging support for this bill.

This is the third in a series of bills we have considered on the floor in the last 7 years to deal with some Supreme Court decisions from the early nineties. It is extremely important for the preservation of some of the free exercise protections of the Constitution, for the free exercise of religion. It is different, more narrow, than the Religious Liberty Protection Act we considered last year.

That bill, as you may recall, had some people concerned with some civil rights implications. Those concerns have been allayed. They are not present in this bill. The leadership Conference on Civil Rights and the American Civil Liberties Union, both of which had concerns about last year’s bill, both support this bill. Every religious group that I am aware of supports this bill. I am aware of no opposition from any religious or civil rights or civil liberties group, and I am very glad to participate finally in passing this bill and sending it on to the President.

I want to join the gentleman from Florida (Mr. Canady) in thanking Senators Kennedy and Hatch for their work. I want to thank the gentleman from Florida (Mr. Canady) for his valuable work and leadership in bringing this bill before us. I want to thank the staff of the Committee on the Judiciary. I want to thank the gentleman from Texas, (Mr. Edwards), who joins me as the lead Democratic sponsor of the bill and has been a staunch supporter of religious liberty. I particularly want to thank a member of the committee staff on the minority side, David Lachmann, who worked on this issue when he was on my staff, when he was on Congressman Solzar’s staff before I was here, and since he has been on our committee staff, and without whose efforts we probably would not be here today. So I am very glad this is here today. I am glad one of the last things we do before our recess is to reaffirm the commitment of the Congress to religious liberty and send this on to the President. Again, I thank the gentleman.

Mr. Speaker, I certainly am very happy to withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? There was no objection.

The Clerk read the Senate bill, as follows:

S. 2899

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 "Religious Land Use and Institutionalized Persons Act of 2000."

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) Substantial Burdens.—

(1) General Rule.—No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institutionalized person on less than equal terms with a nonreligious assembly or institution.

(b) Discrimination and Exclusion.—

(1) Equal Terms.—No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institutionalized person on less than equal terms with a nonreligious assembly or institution.

(2) Nondiscrimination.—No government shall impose or implement a land use regulation that discriminates between or among religious assemblies, institutions, or structures within a jurisdiction.

(3) Exclusions and Limitations.—No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

(a) General Rule.—No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1993), even if the burden results from a rule of general applicability, unless the government demonstrates that applying the burden to that person violates a compelling governmental interest.

(b) Scope of Application.—This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 4. JUDICIAL RELIEF.

(a) Cause of Action.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government.

(b) Burden of Proof.—If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff’s exercise of religion.

(c) Full Faith and Credit.—A adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the State in which the adjudication was obtained has a full and fair adjudication of that claim in the non-Federal forum.

(d) Attorneys’ Fees.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988) is amended—

(1) by inserting "the Religious Land Use and Institutionalized Persons Act of 2000," after "Religious Freedom Restoration Act of 1993;" and

(2) by striking the comma that follows a comma.

(e) Prisoners.—Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1996 (including provisions of law amended by that Act).

(f) Authority of United States to Enforce This Act.—The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. The Clerk read the Senate bill, as follows:

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(d) Attorneys’ Fees.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988) is amended—

(1) by inserting "the Religious Land Use and Institutionalized Persons Act of 2000," after "Religious Freedom Restoration Act of 1993;" and

(2) by striking the comma that follows a comma.
Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) **LIMITATION.**—If the only jurisdictional basis for this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

(a) **RELIGIOUS BELIEF UNAFFECTED.**—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) **RELIGIOUS EXERCISE NOT REGULATED.**—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including religiously affiliated schools or university, not acting under color of law.

(c) **CLAIMS TO FUNDING UNAFFECTED.**—Nothing in this Act shall create or preclude a right to receive government funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) **OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED.**—Nothing in this Act shall—

(i) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(ii) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) **DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE.**—A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) **EFFECT ON OTHER LAW.**—With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise involves a violation of the Establishment Clause or Free Exercise Clause of the First Amendment to the Constitution, the amendments made by this Act, and the application of the provision to any person or circumstance shall not be required.

secured for<br><br>section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–2) is amended—

(1) in paragraph (b), by striking "a State, or a subdivision of a State" and inserting "of a State";

(2) in paragraph (c), by striking "or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

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Hemphill, Texas, consisting of approximately 1.0 acre, as depicted on the map entitled "Sabine National Forest Quarters, Tract S±1388", dated September 1, 1999.

(8) Yawpwork Center site, within the Sabine National Forest, consisting of approximately 9.0 acres, as depicted on the map entitled "Yawpwork Center", dated September 1, 1999.

(9) Zavalla Work Center site, within the Angelina National Forest, consisting of approximately 19.0 acres, as depicted on the map entitled "Zavalla Work Center", dated September 1, 1999.

(b) AUTHORIZED CONSIDERATION.—As consideration for a conveyance of land under subsection (a), the amount of the consideration shall be the fair market value of the land exchanged under this section.

(c) PAYMENT.—Any payment due for the conveyance of property under this section shall be made not later than 180 days after the date of conveyance.

(d) RIGHT OF REENTRY.—At any time before full payment is made for the conveyance of the property under this section, the conveyance may be rescinded by the Secretary.

(e) ALTERNATIVE PROPERTY DISPOSAL AUTHORITY.—In the event that the Secretary determines that the conveyance of the property described in this section is not in the public interest, the Department of Agriculture may convey the property in the manner provided in this section to another Federal agency.

8. CONVEYANCE OF TEXAS NATIONAL FOREST SYSTEM LAND TO NEW WAVERLY GULF COAST TRADES CENTER.

(a) CONVEYANCE AUTHORITY.—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may convey to the New Waverly Gulf Coast Trades Center (referred to in this section as the "Center"), all right, title, and interest of the United States in and to a parcel of land within the Sam Houston National Forest,consisting of approximately 57 acres of land located within the Sam Houston National Forest, Walker County, Texas, as depicted on the map entitled "New Waverly Gulf Coast Trades Center", dated September 15, 1999.

(b) CONSIDERATION.—(1) FAIR MARKET VALUE.—As consideration for the conveyance authorized by this section, the Secretary shall pay to the Secretary an amount equal to the fair market value of the property, as determined by an appraisal acceptable to the Secretary.

(2) APPRAISAL COST.—The Secretary shall pay the cost of the appraisal of the property.

(3) APPRAISAL DETERMINATION.—The consideration determined under paragraph (1) shall be paid, at the option of the Center—

(A) in full not later than 180 days after the date of conveyance of the property; or

(B) in 7 equal annual installments commencing on January 1 of the first year beginning after the conveyance and annually thereafter until the total amount has been paid.

(4) INTEREST.—Any payment due for the conveyance of the property under this section shall accrue interest, beginning on the date of the conveyance, at an annual rate of 3 percent on the unpaid balance.

(5) COMPLIANCE WITH LAWS.—The conveyed property shall be conveyed in compliance with all Federal environmental laws prior to conveyance.

(6) FUNDING.—Funds deposited in the Sisk Act Fund established under Public Law 90–171 (16 U.S.C. 484a–1) shall be available to the Secretary for all activities prescribed by the Secretary in the deed of conveyance.

(7) LAND IN LAKE.—The conveyance of the property described in this section shall not affect the boundaries of a body of water.

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

APPOINTMENT OF HONORABLE CONSTANCE A. MORELLA OR HONORABLE WAYNE T. GILCHREST TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH SEPTEMBER 6, 2000

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


I hereby appoint the Honorable Constance A. Morella or, if not available to perform this duty, the Honorable Wayne T. Gilchrest to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6, 2000.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

SIX MONTH REPORT ON NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

The President, in his capacity as the Commander-in-Chief of the armed forces of the United States, certifies to the Senate that the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, continues to exist.

WILLIAM J. CLINTON,

AUTHORIZING THE SPEAKER, THE MAJORITY LEADER, AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the following appointment be made: Mr. Reiley, Mr. Tipton, Mr. Wayland, and Mr. Turner to act as the committee of five to make such appointments as the Speaker may direct, while the House is out of session.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?
The Haitian parliament has been shuttered since President Preval dissolved it in 1998. A few weeks ago, Haiti held elections that were supposed to have seated a new parliament and provided a road map out of the government crisis that has gone so long; but Aristide partisans perverted the election process, producing election count results that no international observer is able to certify as legitimate.

Haiti's friends around the world have weighed in with concern and condemnation, whether it is the OAS, CARICOM, the U.N., Japan, France, and so forth. But to illustrate what is really going on in Haiti, I want to tell the story of Mr. Manus. Mr. Manus is the president of Haiti's provisional electoral council. That is the body that oversaw the recent balloting. It is a body that is meant to ensure full, fair, free, democratic, transparent elections; but one that in President Manus's hands in Port-au-Prince or anywhere else in Haiti, for that matter.

The fact is that Mr. Manus was chased out of his country in fear of his life and his family's lives. He is here in the United States seeking political asylum.

How did this happen? Why did this happen? According to an accurate report in the Los Angeles Times, Mr. Manus' relatives say that Manus was summoned to the presidential palace after the elections, where President Preval and former President Aristide pressured him to certify the recent fraudulent election count as valid, but Mr. Manus steadfastly refused. He would not be a party to corruption, and he left the presidential palace and began what turned out to be a several-day flight in fear of his life that eventually led him to the safety here in the United States.

I recently had the opportunity to meet with Mr. Manus. I can say he is an absolutely committed man, committed to democracy and to a deep love for his family and his country. I think he wants nothing more than to return to his country and build a true democracy, but he cannot do so as long as the power in Haiti remains usurped by the very same folks the United States restored to power just a few years ago. They are not interested in helping; they are only interested in preserving their own power; and as all of this has gone on, the Clinton-Gore administration talks about the situation in Haiti very desperately silencing their enemies and brokering deals in an effort to return to power; and as all of this has gone on, they have passed up opportunity to make clear to the Haitian leadership what it means to practice democracy, to build democratic institutions. I cannot fathom...
why they continue to defend the situation in Haiti or aid and abet the activities of the Aristide crowd. They are not Democrats.

Given this total failure, Congress must act to help stop the move toward dictatorship in Haiti. In this year’s foreign operations bill, the House voted to prohibit any aid to the government of Haiti with a few exceptions such as counterdrug assistance and humanitarian food aid for the people and medicine for the sick. This is a good first step, but there is plenty more to be done.

Another good and logical step would be for the United States to revoke visas issued to corrupt Haitian government officials who are credibly alleged to be involved in narcotics trafficking, money laundering, and other crimes. Haiti’s leaders have turned their backs on democracy and, saddest of all, have turned their backs on their own people.

The Clinton administration has fumbled U.S. policy toward Haiti at a cost of billions to the American taxpayer and immeasurable suffering to the Haitian people.

Mr. Speaker, I challenge the Clinton-Gore administration to publicly admit their failure in Haiti, and I invite them to join in a policy that supports democracy rather than Aristide and his cronies.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Cummings) is recognized for 5 minutes.

(Mr. Cummings addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DeMint) is recognized for 5 minutes.

(Mr. DeMint addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Strickland) is recognized for 5 minutes.

(Mr. Strickland addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

NATIONAL FAMILY FARM DAIRY EQUITY ACT OF 2000

The SPEAKER pro tempore (Mr. Whitfield). Under a previous order of the House, the gentleman from Wisconsin (Mr. Kind) is recognized for 5 minutes.

Mr. Kind. Mr. Speaker, today I am pleased to join the gentleman from New York (Mr. Houghton), the gentleman from Vermont (Mr. Sanders), and the gentleman from Maine (Mr. Baldacci) in introducing the National Family Farm Dairy Equity Act of 2000. This legislation will provide counter-cyclical dairy payments to our Nation’s hard-pressed area farmers when the market price falls below $12.50 per hundredweight for milk. As we all know, dairy has been a highly controversial political issue in this Chamber, oftentimes pitting region against region and farmer against farmer regardless of where they are producing in this country. It is time we end this political regional fight and bring our family farmers together with a national approach.

Despite well-intentioned regional disputes, one thing is clear and indisputable: family dairy farms across the Nation are hurting with prices at over 20-year lows. Thousands of family farmers are forced out of business each year and our rural communities in all regions suffer as well. We are losing four to five family dairy farms a day in the State of Wisconsin alone under these conditions.

In fact, the price for Class III milk, milk manufactured for cheese, has been less than $10 per hundredweight since the beginning of this year. This rock-bottom price has had a devastating effect on family farmers in my home State of Wisconsin, America’s dairyland. Dairy farmers are paying production prices that are plaguing our family farmers, dairy is a stepster to the other agriculture commodity programs. Unlike wheat and feed grains, which received the lion’s share of the $22 billion of federal relief over the past two years, dairy has received a paltry 1.5 percent of this sum, or roughly $325 million.

While this assistance has been appreciated by many within our dairy industry, it is far from a panacea. Instead of being constant, these payments are subject to political pressure and the whims and demands of the appropriators in Congress.

The legislation we have introduced today is a national solution. It provides for greater income from dairy production by creating a $12.50 per-hundredweight target price for all classes of milk. But this legislation is market reflecting; it is not market distorting. Moreover, this legislation makes the dairy program more consistent with Federal programs for other commodities, similar to the loan deficiency payment which is currently applied to wheat and feed grains, which is strongly supported by Members from both political parties.

Dairy farmers will receive payments only when the market price falls below this certain target price. Hence, in good times when the prices are greater than $12.50 per hundredweight, producers will not receive any payment. In times of poor prices, the size of the payment will be linked to the difference between the target price and the market price. Payments would be made monthly, not annually, as is the case under the dairy transition payment.

This legislation targets Federal assistance to medium-size family farms. Specifically, under this tripartisan national bill, producers would receive assistance up to the first 2.6 million pounds of milk produced annually, reflective of milk produced by approximately 150 cows on a farm. Unlike past and current agricultural programs, producers would not receive financial assistance if they increased production. Also, new entrants would be eligible to participate.

Healthy, vibrant family dairy farms are vital economic, social, and cultural resources that we have but are now at risk. Sadly, this Nation takes this resource for granted and fails to fully appreciate the vital role that dairy farmers play in every consumer’s daily life. Dairy is an important part of our economy. If we fail to safeguard this vital resource entering the new century, America risks losing the family dairy farms that have made us strong. My legislation safeguards this precious resource and this honorable way of life.

Mr. Speaker, as Congress begins to consider an alternative farm bill, I believe the National Family Farm Dairy Equity Act is a right step to provide a safety net for America’s dairy families who have experienced so much financial hardship due to misguided Federal policies.

I look forward to working with my colleagues on efforts to assist our Nation’s hard-working dairy farmers.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

(Mr. Jones of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mrs. Wilson) is recognized for 5 minutes.

(Mrs. Wilson addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FIFTIETH ANNIVERSARY OF GUAM ORGANIC ACT

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 1999, the gentleman from Guam (Mr. Underwood) is recognized for 60 minutes as the designee of the minority leader.

Mr. UNDERWOOD. Mr. Speaker, I yield to my friend and colleague, the gentleman from Wisconsin (Mr. Kind).

RECOGNIZING THE OUTSTANDING CAREER AND CONTRIBUTIONS OF ADMIRAL JAY JOHNSON

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from Guam (Mr. Underwood), for yielding me the beginning portion of his 1-hour special order. Mr. Speaker, I wanted to rise this evening to pay tribute and to express
the Nation's gratitude to a man who has served his country with valor and distinction over 30 years, one of the great patriots of our time, Admiral Jay Johnson.

Last weekend in Annapolis, Admiral Jay Johnson retired as Chief of Naval Operations of the United States Navy. In that capacity, Admiral Johnson has firmly led the world's largest Navy through challenges and responsibilities rarely experienced by a peacetime military force.

A remarkable Navy of such complexity and capability has never before plowed the seas, and Admiral Johnson has been at its helm through tensions in Asia, action in the Persian Gulf and the Balkans, and the humanitarian relief around the world.

Admiral Johnson was raised in West Salem, Wisconsin, a small town in my congressional district, and I know the folks back home are immensely proud of their local hero. After graduating from the United States Naval Academy in 1968, Admiral Johnson flew combat missions in the F-8 Crusader over Vietnam, including missions with Senator John McCain.

After transitioning his flying skills to the formidable F-14 Tomcat, Admiral Johnson went on to command a carrier airwing, a carrier battle group, and a Navy fleet.

During his long and distinguished career, he also served on shore at the Armed Forces Staff College and as the Chief of Naval Operations Strategic Studies Group and received numerous decorations, citations and accolades.

I believe one of the most impressive aspects of Admiral Johnson's service as CNO has been his unwavering commitment to the men and women who serve in the uniform of the United States Navy. During Admiral Johnson's term with the Joint Chiefs of Staff, his Navy served in 45 operations around the world, even while guilting the Navy through extremely complex operations during a period of heightened operational tempo, Admiral Johnson maintained undaunting support for his sailors and tirelessly advocated on their behalf at the Pentagon, the White House, and here in Congress. He has made it clear that military readiness depends greatly on the resources this country brings to bear on the training, pay and benefits and quality of life of its service members.

I believe his message has been heard loud and clear here in Congress.

At the birth of our Nation, President George Washington once said, and I quote, "Without a decisive Naval force we can do nothing definitive and with it everything honorable and glorious."

In 1961, Admiral George Anderson, then CNO of the Navy, stated, quote, "The Navy has been a tradition and a future and we look with pride and confidence in both directions." end quote.

Mr. Speaker, throughout his life and his career in the Navy, Admiral Johnson has set a fine example of spirit, dedication, fortitude, and leadership for all Americans, young and old. I urge all Americans to take to heart the vision set out by Admiral Johnson during his confirmation hearing when he said, and I quote, "I can steer by the stars and not by the wake."

On behalf of the residents of western Wisconsin, I proudly commend Admiral Jay Johnson for his illustrious career in the service of our country.

I also commend his wife, Garland, for her loyalty, patience, and steadfastness in the face of the challenges a life in the military poses to every family, and I am sure my colleagues join with me here tonight in wishing them all a very long and happy retirement.

Mr. Speaker, tonight I take the opportunity to do a special order on the anniversary of something that is very important to the people of Guam and something that took place next week. I want to take this opportunity to explain a little bit about it to provide the historical background for this event.

August 1, 1950 was the signing of the Guam Organic Act. Next Tuesday on Guam, there will be a commemoration of the 50th anniversary of the Organic Act. Many times, unless one lives in a territory, perhaps the term organic does not really mean much, but Organic Act means it is an organizing act, an act that organizes the local government pursuant to an act of Congress.

So it was that on August 1950, President Harry Truman signed the Guam Organic Act, creating and making permanent for local civilian government providing for a locally elected legislature and providing for an independent judicial system that had a direct linkage into the Federal court system and, most importantly, providing U.S. citizenship for the people of Guam, the people that I represent.

This is the 50th anniversary of Congressional action which brought an end to military government in Guam, a measure of real democracy to a group of loyal people, of loyalty that had been just tested during a horrific occupation by enemy forces during World War II and were, therefore, granted U.S. citizenship.

The Organic Act was preceded by a very sustained effort on the part of the people of Guam, the Island’s leaders, and many friends of Guam and supportive persons in the United States here in Congress and in the administration of President Truman as well as President Roosevelt, and in the national media, who at the time in the late 1940s, people who took a direct interest of the affairs of what were to happen to dependent territories coming out of World War II.

The Organic Act formally ended although it had ended a few months earlier by Presidential action. The Congressional Record, entitled the Organic Act, put an end to military government in Guam, a form of government maintained to be temporary, which lasted some 50 years, a military government, a clearly un-American form of government, clearly undemocratic form of government in which the people of Guam basically lived under the control of military officers, whose primary duties were military in nature and whose secondary duties included the civil administration of a people that they saw as a dependent people as wards of the state, clearly untenable and undemocratic form of government.

Unfortunately, many people in the military had continued to justify the continuing nature of this government by saying that Guam had very strong strategic value for the United States and that, therefore, the people of Guam should not enjoy too many civil and political rights.

Under military government, the people of Guam were called U.S. nationals. Under a military government, government was created by fiats mandated by the Naval Governor of Guam called General Orders. Every time there was a change of government, a new law was issued, and the people of Guam owed perpetual allegiance to the United States. They are not citizens thereof, nor is there any mechanism through which they could become citizens.

As far as the Navy was concerned, the people of Guam owed perpetual allegiance to the United States, but they were not U.S. citizens; and, more importantly, there was no way that they could become U.S. citizens. That is why the Navy maintained the General Order in the whole series of General Orders that were prosecuted on the people of Guam throughout naval government.
That led to a citizenship movement. This movement for U.S. citizenship was seen in Guam as the way to eliminate the vestiges of military government. If one wanted to get rid of military government, it was assumed that, if people were declared U.S. citizens, that would be the end of the military government. It was expected that there would have to be a change of the nonself-governing territories, that there would have to have military officers run the life of the island.

This citizenship movement was led originally by two men, B.J. Bordallo and F.B. Leon Guerrero. During the 1930s, they were able to send a China Clipper to come here and spend several months making their case in Washington, D.C.

They were able to meet with President Roosevelt, and they were able to prevent two Senators, Senator Tydings from Maryland and Senator Gibson from Vermont who subsequently introduced a bill granting the people of Guam U.S. citizenship, and that passed the Senate. That bill went to the House where it died on the basis of congressional testimony made by Secretary of the Navy Claude Swanson that said the people of Guam were living on too strategic a piece of real estate to be concerned with such things as civil and political rights.

Subsequent to that, of course, the people of Guam endured an occupation by the Japanese during World War II. Coming out of World War II, there was a renewed spirit. Here one had a war that was fought to end tyranny and, at the conclusion of the war, there were a number of territories and dependencies that existed throughout the world.

So the United States and Great Britain and France and other countries that were on the victorious side of World War II had then created the United Nations in order to ensure a peaceful and stable world and introduced as part of the UN Charter Article 73, which said that it was fought to end tyranny and, at the conclusion of the war, there were a number of territories and dependencies that existed throughout the world.

So the United States and Great Britain and France and other countries that were on the victorious side of World War II had then created the United Nations in order to ensure a peaceful and stable world and introduced as part of the UN Charter Article 73, which said that it was fought to end tyranny and, at the conclusion of the war, there were a number of territories and dependencies that existed throughout the world.

During the intervening time from the reestablishment of the Navy military government of Guam after World War II, the Navy had acquired over a third of the island, probably about 40 percent of the island, close to 40 percent and people were told that they were going to get their land back. We have had this difficulty ever since, and we are trying to resolve this in a comprehensively. That issue is much alive today and was part of a bill that was passed in the House earlier this week, H.R. 2462, the Guam Omnibus Opportunities Act.

Now, the actual act that passed Congress, passed both the House and the Senate, was based on H.R. 7273, which was a modified form of the earlier version, and it was introduced by Congressman Harry Peterson of Florida. This final act, it is a system of government which we would call clearly undemocratic in today's terms but seemed very democratic at the time. One, it provided for a unicameral legislature of 21 Members elected by the people of Guam and limited to two 30-day sessions a year within the Organic Act.

It provided for a local court system. But if one had a felony case or a case involving more than $5,000 in a civil suit, one had to go to a Federal district court. So it established a Federal district court. So the scope of the local courts was limited, even though it established a kind of independent judiciary.

Of course the main feature of this Organic Act passed in 1950 was it did not have an elected governor. What we had at the time was a governor who was appointed by the President. So even though it was a civilian and was not a person in uniform, and even though we had disestablished the naval government for Guam and limited the Naval District Guam, clearly there was a lot of progress to be made.

But for 1950, now we are talking about 1990, this Organic Act of Guam was seen as very progressive in the entire Pacific community. Other territories which France and Great Britain had, and some of the other islands in the Pacific. This looked like a very progressive step.

So indeed the Organic Act of Guam in 1950 was highly regarded at the time.
and widely supported. And, of course, the good feature, the unique feature, about it was the acquisition of U.S. citizenship.

The first civilian governor of Guam that was appointed by President Harry Truman was Adolph Skimmer, who was a young, progressive governor, who made a very skillful transition from military to civilian government. He was a very important figure in the development of the Organic Act and the move from military to civilian government, and he also will be joining us in Guam on August 1 to commemorate the Organic Act.

But the politics of the environment changed along with elections to president, and in 1952, with the election of President Eisenhower, a new governor was selected for Guam, a man by the name of Ford Q. Elvidge, who wrote an article, after he finished his term, in the Saturday Evening Post entitled "I Ruled Uncle Sam's Problem Child." It was a very uncomfortable article to read. Nevertheless, Ford Q. Elvidge allegedly had an experience which indicated how strong the military still was in Guam.

He was appointed to be governor of Guam, but up until the year 1962, people could not go to Guam and people could not leave Guam unless the Navy allowed them to leave or unless the Navy allowed them to come in. This was called military security clearance. Unless you had individual security clearance, this act lasted all the way until 1962. It was started right at the beginning of 1940, as the situation between Japan and the United States started to darken. So this military security clearance executive order was declared by President Franklin Roosevelt.

Well, Ford Q. Elvidge, as he boarded a plane to leave Honolulu to come to Guam to take over as governor was stopped by military officials who refused to let him go on the plane because he did not have the appropriate security clearance from Naval authorities, only pointing out how deeply rooted military authority was in the lives of the people. After some discussion on the matter, they finally relented and they allowed the governor of Guam actually to go to Guam.

So this situation existed in Guam for another 20 years. Finally, in 1968, an election was held in Guam and Congress allowing the people of Guam to elect a new governor. The judicial system was simultaneously changed to expand the scope of the authority of the local court system, and on later in 1970 and 1971, there were laws passed in the House of Representatives to create the office of the delegate for the Virgin Islands and a delegate for the people of Guam.

So after the completion of those elements, and so Adolph Skimmer, who was and it certainly gave the sense that there was complete local self-government in Guam. The people of Guam elected their governor, but this was still 20 years after the original Organic Act. The people of Guam elected a delegate to Congress, which gave them some opportunity to participate in the affairs of the House, although, of course, in the final analysis, there is no voting representation.

An interesting story. When Mr. Won Pat first came as the first delegate, there was some discussion in the initial House rules as to whether to pay him a full salary or not. There was some discussion about it. Fortunately for all the successors to this office, they agreed that they would pay the same salary as they pay other Members of Congress. But it shows, in a way, the kind of step-by-step progress.

But there was still something fundamentally incomplete about the Organic Act, and that is that at the end of the day the Organic Act is not a local self constitution. The Organic Act is an act of Congress. And every time we need to change portions of that act we go to Congress. There is a provision that allows the people of Guam to create a local constitution, but to date that has only been exercised once, and the proposed constitution was defeated because the people of Guam felt strongly that there was still a more fundamental issue even than the creation of a local constitution, and that is the exercise of self-determination.

As I indicated earlier, the United Nations system, which was organized by the victorious powers coming out of World War II, in order to demonstrate that they were on the right side of democracy and to show that they meant democracy for everyone, created a system called the nonself-governing territory system inside the United Nations. To this date, Guam and American Samoa and the Virgin Islands remain on those lists of nonself-governing territories because there has not been a full and fair opportunity to decide in what direction they wish to go and what directions are made available to them by what is termed, in the United Nations language of this relationship, the administering power.

So Guam continues to be a nonself-governing territory. It remains a nonself-governing territory because it does not have any voting participation in the laws that are applicable to them in any respect. So an individual living in a nonself-governing territory because there has not been a full and fair opportunity to decide in what direction they wish to go and what directions are made available to them by what is termed, in the United Nations language of this relationship, the administering power.

So this time that we recognize this very important anniversary for the people of Guam, we must be mindful of the fact that there are still many tasks ahead of us. But at least let us remember August 1, 1950, and August 1, 2000 take time and reflect upon our past history, the work of such great people in my own island's history, like Antonio Borja Won Pat, F. B. Leon Guerrero, and B. J. Bordallo, and take the time to honor and pay tribute to those men.

VIOLENCE AGAINST WOMEN ACT AND NIH FUNDING

THE SPEAKER pro tempore (Mr. WITTMER). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 60 minutes as the designee of the majority leader.

MRS. MORELLA. Mr. Speaker, I appear before the House in the hope that we will make a resolution when we return from our district work period, a resolution that adds on to the commitment that we made in 1994 to
recognize and fight back against domestic violence and sexual assault by passing the Violence Against Women Act as part of the Crime Bill. That is what happened in 1994.

Now, over the past 5 years, over a billion dollars of Federal money has funded law enforcement training, shelters, counseling for victims, and prevention programs for batterers and children. With so little time left in the 106th Congress, we really must focus on the real authorizing the Violence Against Women Act. H.R. 1248, which I introduced, currently has 215 cosponsors, and it recently passed the Committee on the Judiciary by unanimous consent. Indeed, it should be considered in the full House just as soon as we return. The progress made by thousands of victims and advocates in every State and district could be in jeopardy if we do not.

Now, Mr. Speaker, I want to take this opportunity to talk about the National Institutes of Health, which is in my district, and again the commitment that we in Congress have made to double the funding for the National Institutes of Health over a 5-year period.

Over the last 6 years, we have been very fortunate to have the House appropriations subcommittee that deals with the National Institutes of Health chaired by my very good friend, the gentleman from Illinois (Mr. PORTER), who will not be seeking reelection for the next Congress. We indeed will miss him, his support, his interest in the health and the welfare of our Nation’s citizens, and his commitment to doubling the funding of NIH over 5 years.

This objective, to which I am committed, to double this budget, began in 1998 when we successfully enacted a 15 percent increase in the NIH appropriation for fiscal year 1999. We succeeded again with another 15 percent increase for fiscal year 2000. And we are now at the third step in achieving our goal of doubling the NIH budget by 2003. I urge the committee on the appropriations for the Labor HHS bill to continue this commitment and fund NIH $20.5 billion, which is the full 15 percent increase of $2.7 billion. There is clearly no better time than now to recommit our pledge to doubling this funding.

Recent analyses by the Congressional Budget Office shows that this year’s budget surplus, a record surplus of $222 billion. This is a $53 billion increase from the April projection. And over the next decade the CBO expects this surplus to grow between $45 trillion and $5.7 trillion, significantly more than what was expected just 3 months ago.

Mr. Speaker, Albert Einstein is quoted as having once said, “The only justifiable purpose of political institutions is to ensure the unhindered development of the individual.” As a political institution, we must do just that, to ensure the pursuit of science and unraveling the mysteries of mankind.

By way of science and knowledge, we are ensuring the unhindered development of the individual. The National Institutes of Health is a world-renowned institution located in Montgomery County, Maryland. It is considered the leading force in mankind’s continued war against all forms of cancer, HIV/AIDS, blindness, autoimmune diseases, and many life-threatening and debilitating diseases.

I doubt if there is one person in this Congress whose life or family is not affected by a disease that depends on the research being done.

It is not by chance that the United States is the undisputed world leader in high-tech medical science and drug development. It is in large part because the Federal Government has made a commitment to fund basic biomedical research for over 50 years and create a strong partnership with the private sector to bring new life-saving treatments to patients throughout the world.

The Federal commitment to biomedical, behavioral, and population-based research is responsible for the continued development of an ever-expanding base that has contributed to medical advances that have profoundly improved the length and the quality of life for all Americans.

These are remarkable times, Mr. Speaker. Never before in the history of mankind have we experienced such an explosion of discoveries, information gained from NIH research is revolutionizing the practice of medicine and the future direction of scientific inquiry.

Recently, the international Human Genome Project partners and Celera Genomics Corporation jointly announced that they have completed a working draft assembly of the human genome. This is a truly significant milestone for science and medicine.

For the first time in our history, researchers will be able to click on their computer and find every letter, or base, of the human instruction book. All of the sequence data produced by the publicly supported human genome project is deposited daily in GenBank, a freely available sequence database maintained by the NIH’s National Center for Biotechnology Information.

Public consortium centers produce far more sequence data than expected. For example, with just a few clicks on their computer the nearly 3.1 billion letters that make up the human instruction book. All of the sequence data produced by the publicly supported human genome project is deposited daily in GenBank, a freely available sequence database maintained by the NIH’s National Center for Biotechnology Information.

This is an NIH success story. Reaching this milestone is just the beginning. The project now turns more of its energy and resources to the development of tools that will enable the instructions encoded in the billions of bases of DNA sequence. Alterations in our genes are responsible for an estimated 5,000 clearly hereditary diseases, such as Huntington’s disease, cystic fibrosis, and sickle-cell anemia.

They are also believed to influence the development of thousands of other common diseases, such as schizophrenia, Alzheimer’s disease, cancers, heart disease, and diabetes.

As a result, decoding this information is expected to lead to powerful new ways to prevent, diagnose, treat, and cure disease. This will occupy the time and energy of biomedical scientists for decades to come.

When will there be a better time to invest in biomedical research than now? I do not know of one.

Yesterday, July 26, 2000, was the 10th anniversary of the Americans With Disabilities Act. Fifty-four million Americans have a disability. That is 20 percent of our population.

We have a dire need in this country to focus our efforts on the health of our citizens. The number of Americans age 65 will double in the next 30 years to more than 69 million. A significant portion will develop some form of a disability.

Research is needed. It is needed to help reduce the enormous economic and social burdens that are posed by diseases such as diabetes, heart disease, arthritis, Parkinson’s, and Alzheimer’s disease, cancer, heart disease, and stroke.

With so many of these diseases that are debilitating or life-threatening, we are so close, so close to the finish line in finding a cure and being able to provide for a treatment or a cure. We now talk of finding cures for so many diseases in 5 years in our lifetime.

NIH-funded research enter many of these diseases, and that is the foundation underlying the search for answers. Without the essential role that the NIH is playing in our health care equation, we as a Nation will fail to achieve the goal of a healthier, more productive Nation.

The American people want increased funding for medical research. Many polls have shown that the majority of Americans support Federal investment in medical research. With this research, we have learned that disease is a complex and evolving enemy.

Despite the extraordinary progress that has been made in the fight against many diseases, serious challenges still exist. I want to mention several examples.

For example, age 65 will double in the next 30 years to more than 69 million. A significant portion will develop some form of a disability.

This month, NIH announced a new clinical trial of 10 research centers which will soon begin testing a promising technique for transplanting insulin-producing pancreatic cells that may one day allow people with type-one diabetes to stop their insulin shots.

This year a team of researchers funded by the National Institute of Child Health and Human Development has found that infants who die of Sudden Infant Death Syndrome suffer from abnormalities in certain regions of the brain stem. This brings us closer to
finding a preventive treatment for SIDS.

In a ground-breaking, NIH-funded study published in the July issue of the proceedings of the National Academy of Sciences, researchers rapidly restored vision in an animal model of retinal degeneration. The researchers are now moving toward doing human clinical trials.

Mr. Speaker, scientific advances resulting from NIH-supported research mean improved health and reduced suffering, job creation, biomedical research, and biotechnology, and reaching economic benefits touching every State through major universities, government laboratories, and research institutes.

In global competition, biomedical research and biotechnology are areas of strong American leadership and commitment. Continued support for the National Institutes of Health will ensure that American scientific excellence continues as we move through this century. We can afford to do no less for this generation and for generations to come.

I urge my colleagues to continue with our objective of doubling the budget for the National Institutes of Health.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

- Mr. Gilman (at the request of Mr. Arney) for today until 1:00 p.m. on account of attending a funeral.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

- Mr. Pallone, for 5 minutes, today.
- Mr. Cummings, for 5 minutes, today.
- Mr. Strickland, for 5 minutes, today.
- Mr. Kind, for 5 minutes, today.
- Mr. DeMint, for 5 minutes, today.
- Mr. Goss, for 5 minutes, today.
- Mr. Jones of North Carolina, for 5 minutes, today.
- Mrs. Wilson, for 5 minutes, today.

**REPRINTED WITH CORRECTED TEXT AND TITLE, AS PASSED BY THE HOUSE ON JULY 19, 2000.**

**H.R. 2634**

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

**SECTION 1. PURPOSE.**

This Act may be cited as the "Drug Addiction Treatment Act of 2000."

**SEC. 2. AMENDMENT TO CONTROLLED SUBSTANCES ACT.**

(a) In General. Section 303(g) of the Controlled Substances Act (21 U.S.C. 832(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(ii) after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense"; and

(5) by adding at the end the following paragraph:

"(2A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing) of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C)."

(b) For purposes of subparagraph (A), the conditions specified in this paragraph with respect to a practitioner are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance or detoxification treatment, the practitioner submits to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

(1) The notification is a qualifying physician (as defined in subparagraph (G))

(2) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

(3) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number.

(f) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number.

(g) For purposes of this paragraph, the applicable number is 30, except that the Secretary may by regulation change such total number.

(i) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice that at any one time will exceed the applicable number.

(j) For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different numerical limits on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients of the group practice that the group practice may have.

For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to patients to whom narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

(1) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

(2) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the responsibilities of the drugs that may be provided for unsupervised use.

(D) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

(i) The notification under subparagraph (B) is in writing and states the name of the practitioner.

(ii) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

(iii) If the practitioner is a member of a group practice, the notification includes the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

(iv) Upon receiving a notification under subparagraph (B), the Attorney General shall assign an identification number, including the registration number under which the practitioner practitioner pursuant to subsection (f). The identification number or assigned clause shall be appropriate to (i) to respect the confidentiality of patients for whom the practitioner has dispensed narcotic drugs under a waiver under subparagraph (A);

(v) Not later than 45 days after the date on which the Secretary receives a notification under subparagraph (B), the Secretary shall make a determination of whether the practitioner involved meets all requirements for a waiver under subparagraph (B). If the Secretary fails to make such determination by the end of such 45-day period, the Attorney General shall assign the physician an identification number described in clause (i) at the end of such period.

(E) If a practitioner is not registered under paragraph (2) and, in violation of the conditions specified in subparagraphs (B) through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General, subject to the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary.

(G) In making determinations under subparagraph (I), the notification the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

(H) The records of an act that renders the registration of the practitioner for the purposes of section 304(a)(4), contain information necessary to an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

(I) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

(J) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the responsibilities of the drugs that may be provided for unsupervised use.

(K) A notification under paragraph (1) with respect to a practitioner is not in effect unless it otherwise by the Secretary.

(L) A notification under paragraph (1) with respect to a practitioner is not in effect unless it otherwise by the Secretary.

CONGRESSIONAL RECORD — HOUSE

July 27, 2000

H7200
upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

"(F)(i) With respect to the dispensing of narcotic drugs in schedules III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a practitioner may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

"(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

"(G) For purposes of this paragraph:

"(i) The term ‘group practice’ means a physician who is licensed under State law and who meets one or more of the following conditions:

"(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

"(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

"(IV) The physician, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, meetings or communications, otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Osteopathic Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

"(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V or combinations of such drugs for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

"(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

"(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients, and the Secretary may, in his or her discretion, issue a treatment improvement protocol (encompassing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary shall issue regulations (through notice and comment rulemaking) or issue practice guidelines, or her discretion, dispensing such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

"(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

"(iii) The Secretary shall make a determination of whether such waivers have adverse consequences for the public health.

"(iv) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph shall cease to have any effect on the date on which the decision is so published. The Secretary shall make any such decision consult with the Attorney General; and shall publish the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall make such determinations.

"(v) Any such decision consult with the Secretary, and shall make a decision on the date on which the decision is so published. The Secretary shall make any such decision consult with the Attorney General; and shall publish the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication.

"(b) CONFORMING AMENDMENTS.—Section 304 of the Controlled Substances Act (22 U.S.C. 3212) is amended—

"(1) in subsection (a), in the matter after and preceding the word "paragraph", by striking "section 308(c)" each place such term appears and inserting "section 308(g)(1)"; and

"(2) in subsection (d), by striking "section 308(c)" and inserting "section 308(g)(1)".

SEC. 3. ADDITIONAL AUTHORIZATION OF APPROPRIATIONS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by this Act, there are authorized to be appropriated, in addition to other appropriations of appropriations that are available for such purpose, such sums as may be necessary for fiscal year 2000 and each subsequent fiscal year.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4437. An act to grant the United States Postal Service the authority to issue semipostals, and for other purposes.

H.R. 4716. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4810. An act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women’s Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 257. An act to establish a Commission on Ocean Policy, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President,
for his approval, bills of the House of the following titles:

On July 21, 2000:
- H.R. 1791. To amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.
- H.R. 4240. To foster cross-border cooperation and environmental cleanup in Northern Europe.

On July 27, 2000:
- H.R. 4810. To provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

ADJOURNMENT

Mrs. MORELLA. Mr. Speaker, pursuant to Senate Concurrent Resolution 132 of the 106th Congress, I move that the House do now adjourn. The motion was agreed to.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the first and second quarters of 2000, by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second quarter of 2000, pursuant to Public Law 95-384, are as follows:

**AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND MAR. 31, 2000**

<table>
<thead>
<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
<th>Country</th>
<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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Committee total: 18,806.00

**AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1, AND JUNE 30, 2000**

<table>
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<tr>
<th>Name of Member or employee</th>
<th>Arrival</th>
<th>Departure</th>
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<th>Per diem</th>
<th>Transportation</th>
<th>Other purposes</th>
<th>Total</th>
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<td>1,300.79</td>
<td>1,894.79</td>
<td>1,894.79</td>
</tr>
</tbody>
</table>

Committee total: 18,806.00

1 Per diem constitutes lodging and meals.
2 If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
3 Military air transportation.
EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 3 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

9357. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, the “Collateral Modernization Act of 2000”, to the Committee on the Judiciary.

9358. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department’s final rule—Delegation of the Jurisdiction of Certain Temporary Agricultural Workers (AT-2A) Petition, Appellate and Review Authority for Those Petitions to the Secretary of Labor [INS No. 1946-98, AG Order No. 2313-2000] (RIN:1115-AF29) received July 19, 2000, pursuant to 5 U.S.C. 503(a)(1)(A); to the Committee on the Judiciary.

9359. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department’s final rule—Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsorship of Family Member’s Naturalization; Additional Class of Aliens Ineligible for Family Unity Benefits [INS No. 1529-96] (RIN:1115-AE72) received July 19, 2000, pursuant to 5 U.S.C. 503(a)(1)(A); to the Committee on the Judiciary.

9360. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department’s final rule—Implementation of the Montgomery GI Bill—Active Duty (RIN: 2900-A1) received July 19, 2000, pursuant to 5 U.S.C. 503(a)(1)(A); to the Committee on Veterans’ Affairs.

9361. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department’s final rule—Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900-A1) received July 19, 2000, pursuant to 5 U.S.C. 503(a)(1)(A); to the Committee on Veterans’ Affairs.

9362. A letter from the Administrator, Of fice of Workforce Security, Department of Labor, transmitting the Department’s final rule—Unemployment Insurance Program Letter 41-98, change 1—Application of the Prevailing Conditions of Work Requirement—Questions and Answers—received July 20, 2000, pursuant to 5 U.S.C. 503(a)(1)(A); to the Committee on Ways and Means.

9363. A letter from the Administrator, Social Security Administration, transmitting the Administration’s final rule—Recision of Social Security Acquisitions Ruling 93-212 and 87-48—received July 6, 2000, pursuant to 5 U.S.C. 503(a)(1)(A); to the Committee on Ways and Means.

9364. A letter from the Secretary of Energy, transmitting the Twelfth Annual Report entitled, “Comprehensive Environmental Response, Compensation and Liability Act” to the Committee on Commerce and Transportation and Infrastructure.

9365. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Progress Report made toward opening the United States Embassy in Jerusalem and notification of Suspension of Limitations Under the Jerusalem Embassy Act [Presidential Determination No. 2000-24], pursuant to Public Law 104-45, section 6 (109 Stat. 400), jointly to the Committees on International Relations and Appropriations.


9367. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary’s “CERTIFICATION TO THE CONGRESS: Regarding the Incidental Capture of Turtles in Commercial Shrimping Operations,” pursuant to Public Law 101-162, section 609(b)(2) (103 Stat. 1036), jointly to the Committees on Resources and Appropriations.

9368. A letter from the Comptroller General of the United States, transmitting final certification of the Trans-Alaska Pipeline Liability Fund’s payment of claims and administrative expenses, pursuant to 43 U.S.C. 1653(c)(4); jointly to the Committees on Transportation and Infrastructure and Resources.


9370. A letter from the Commissioner of Social Security, transmitting a draft bill to make amendments to the Supplemental Security Income (SSI) program in support of the President’s fiscal year 2001 budget with respect to the Social Security Administration; jointly to the Committees on Ways and Means, the Judiciary, Commerce, Veterans’ Affairs, and the Budget.


4968. A letter from the Vice Admiral, USCG, Acting Commander, Department of Transportation, transmitting a report pursuant to the Coast Guard Authorization Act of 1988, Public Law 105-363 Subsection 307(b); to the Committee on Transportation and Infrastructure.

4969. A letter from the Chair, Interagency Coordination Committee on Oil Pollution Research, Department of Transportation, transmitting the biennial report of the Interagency Coordinating Committee on Oil Spill Pollution Research, pursuant to 33 U.S.C. 276(e); to the Committee on Science.

4970. A letter from the Commissioner of Social Security, transmitting a draft bill, Social Security Amendments of 2000; to the Committee on Ways and Means.

4971. A letter from the Chair, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Losses Claimed on Certain Intangible Assets [Notice 2000-34] received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4972. A letter from the Chair, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2000-32] received July 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4973. A letter from the Secretary of Health and Human Services, transmitting the draft bill entitled, "Assets for Independence Act Amendments of 2000"; to the Committee on Ways and Means.

4974. A letter from the Secretary of Energy, transmitting proposed revisions to the FY 2001 budget request for the Savannah River Site; jointly to the Committees on Armed Services and Appropriations.

4975. A letter from the Secretary of Energy, transmitting a revised fiscal year 2001 budget request for the Department of Energy; jointly to the Committee on Armed Services and Appropriations.

4976. A letter from the Secretary of Health and Human Services, transmitting a notification that the Department of Health and Human Services is allotting emergency funds made available under section 202 (e) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)); jointly to the Committees on Commerce and Education and the Workforce.

4977. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's report entitled "Toward An Understanding of Percentage Plans in Higher Education: Are They Effective Substitutes for Affirmative Action?"; pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

4978. A letter from the Secretary of Energy, transmitting a request for revision to the FY 2001 budget submission for the U.S. Department of Energy; jointly to the Committees on Science and Appropriations.

4979. A letter from the Secretary of the Interior, transmitting a draft legislation for changes in law pursuant to the Covenant, approved in Public Law 94-241, by which the Northern Marianas Islands (NMI) joined the American republic, jointly to the Committees on Resources, Ways and Means, and the Judiciary.

4980. A letter from the Co-Chair, CENR, National Science and Technology Council, transmitting the Integrated Assessment of Hypoxia in the Northern Gulf of Mexico; jointly to the Committees on Science, Research, 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. LINDER: Committee on Rules. H. Res. 565. Resolution waiving points of order against the Conference report to accompany H.R. 4636, the Legislative Branch of Science Appropriations Act, 2001 (Rept. 106-797). Referred to the House Calendar and ordered to be printed.

Ms. PRYCE: Committee on Rules. H. Res. 566. Resolution providing for the consideration of H.R. 4678, Child Support Distribution Act of 2000 (Rept. 106-796). Referred to the House Calendar and ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. H. Res. 567. Resolution providing for the consideration of a concurrent resolution for the adjournment of the House and Senate for the summer district work period (Rept. 106-799). Referred to the House Calendar and ordered to be printed.

Mr. HYDE: Committee on the Judiciary. H. Res. 569. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; with an amendment (Rept. 106-800). Referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Contempt of Congress Report on the Refusals to Comply with Subpoenas Issued by the Committee on Resources (Rept. 106-931). Referred to the House Calendar, and ordered to be printed.

Mr. BURTON: Committee on Government Reform. Making the Federal Government Accountable: Enforcing the Mandate for Effective Financial Management (Rept. 106-802). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILMAN: Committee on International Relations. H. Res. 367. A bill to provide certain benefits to Panama if Panama agrees to permit the United States to maintain a presence in Panama for counter-narcotics and related missions (Rept. 106-803 Pt. 1). Ordered to be printed.

TIME LIMITATION OFREFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[H.R. 4985. Referred to the Committee on Commerce extended for a period ending not later than 2001 September 22, 2000 Submitted July 27, 2000]

H.R. 3673. Referred to the Committee on Ways and Means extended for a period ending not later than September 22, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER:

H.R. 4969. A bill to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterrestrial income from gross income, to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself and Mrs. EMERSON):

H.R. 4967. A bill to amend title 18, United States Code, with respect to electronic eavesdropping, and for other purposes; to the Committee on the Judiciary.

By Mr. BATEMAN:

H.R. 4968. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Resources.

By Mr. COOK:

H.R. 4968. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for election for Federal office who sell personal assets to report information on the sale of the assets to the Federal Election Commission; to the Committee on House Administration.

By Mr. MALONEY of Connecticut:

H.R. 4969. A bill to make appropriations for fiscal year 2001, for the Federal share of certain construction costs of a sewage treatment facility in Waterbury, Connecticut; to the Committee on Appropriations.

By Mr. SCHOFIELD:

H.R. 4991. A bill to authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of non-project water for domestic, municipal, industrial, and other beneficial purposes; to the Committee on Resources.

By Ms. BALDWIN (for herself and Mr. O'BRYEN):

H.R. 4992. A bill to guarantee for all Americans quality, affordable, and comprehensive health insurance coverage; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself, Mr. HORN, Mr. MCHUGH, and Mr. CAMP):

H.R. 4993. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the sale of securities which are used to pay for higher education expenses; to the Committee on Ways and Means.

By Mr. KILDEE (by request):

H.R. 4994. A bill to reauthorize and improve the Educational Resources and Training Programs of the Department of Education, including the National Institute for Education.
Research, the National Center for Education Statistics, the National Assessment of Educational Progress, the National Assessment Governing Board, and America's Tests in Reading, writing, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PETRERSON of Pennsylvania (for himself and Mrs. EMERSON):
H.R. 4995. A bill to amend title XVIII of the Social Security Act to provide for equity in the amount of disproportionate share payments under the Medicare program between urban and rural hospitals; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRERSON of Pennsylvania (for himself and Mrs. EMERSON):
H.R. 4996. A bill to amend title XVIII of the Social Security Act to eliminate the reduction in the market basket percentage increase under the prospective payment system under the Medicare Program for payments to rural hospitals; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRERSON of Pennsylvania (for himself and Mrs. EMERSON):
H.R. 4997. A bill to amend title XVIII of the Social Security Act to revise and improve the Medicare-dependent, small rural hospital program under title XIX of the Social Security Act to provide for payments for direct graduate medical education under the Medicare Program for costs attributable to wages; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOULUM (for himself and Mr. FLETCHER):
H.R. 4999. A bill to control crime by providing law enforcement block grants; to the Committee on the Judiciary.

By Mr. McCOULUM:
H.R. 5000. A bill to provide for post-conviction DNA testing, to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain Federal, District of Columbia, and military offenders for use in such system, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON (for herself, Mr. LU-LEH, Mr. HOWLEY of Oregon, Mr. SAHO, and Mr. MINGE):
H.R. 5001. A bill to amend title XVIII of the Social Security Act to provide for equitable payments to providers of services under the Medicare Program, and to amend title XIX of such Act to provide for coverage of additional children under the Medicaid Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRERSON of Pennsylvania (for himself, Mrs. J. JOHNSON of Connecticut, and Mr. POMEROY):
H.R. 5002. A bill to amend title XIX of the Social Security Act to permit additional States to enter into long-term care partnership agreements under the Medicaid Program in order to provide long-term care insurance; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF:
H.R. 5003. A bill to amend part B of title XVIII of the Social Security Act to improve payments under the Medicare outpatient prospective payment system; to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. MORAN of Virginia, Mr. COX, Mr. TAUZIN, Mr. DAVIS of Louisiana, Mr. SALMON, Mr. SMITH of Washington, Mrs. TAUSCHER, and Mr. DREIER):
H.R. 5004. A bill to amend the Internal Revenue Code of 1986 to allow credit against income tax for information technology training expenses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mr. CUNNINGHAM, Mr. HUNTER, and Mr. PACKARD):
H.R. 5005. A bill to amend title XVIII of the Social Security Act to provide for more equitable payments for direct graduate medical education under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER (for himself, Mr. SANTO, Mr. WEINER, Mr. LAZIO, Mr. LANTOS, Mr. PORTER, Mr. DEUTSCH, Mr. WEXLER, Mr. KING, Mr. ENGEL, Mr. PALLONE, Mr. HALL of Texas, Mr. NADER, Mr. FROST, Mr. CROWLEY, Ms. SACHOWSKY, and Mrs. LOWEY):
H.R. 5006. A bill to encourage respect for the rights of religious and ethnic minorities in Iran, and to deter Iran from supporting international terrorism, and from furthering its weapons of mass destruction programs; to the Committee on Ways and Means, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. SANTO, Mr. SAVIT, Mr. WELLS, Mr. BILBAY, Mr. WELLS, Mr. ZIN, Mr. SANCHEZ, Mr. BURKHARDT, Mr. RUIZ, Mr. JACKSON of Illinois, Mr. LEE, Mr. DAVIS of Illinois, Mr. BEREUTER, Mr. CHEN, Mr. RUSH, Mr. JACOBS of Illinois, Mr. LI-PINSKI, Mr. GREENE, Mr. SCHAKOWSKY, Mr. PORTER, Mr. WELLS, Mr. COSTELLO, Mr. BIGGERT, Mr. HASTERT, Mr. EWSING, Mr. MANZULLO, Mr. EVANS, Mr. LAHOOOD, Mr. PHILPS, and Mr. SHIMKUS):
H.R. 5016. A bill to redesignate the facility the United States Postal Service located at 534 Express Center Drive in Chicago, Illinois, as the "J. T. Weeker Service Center"; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Ohio (for himself and Mr. BILBAY):
H.R. 5017. A bill to amend part B of title XVIII of the Social Security Act to expand coverage of durable medical equipment to include physician prescribed equipment necessary so unpaid caregivers can effectively and safely care for patients; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANADY of Florida (for himself, Mr. DAVIS of Florida, Mr. RUSH, Mr. RUAlter, Mr. VALENTINO, and Mr. MURPHY):
H.R. 5018. A bill to amend title 18, United States Code, to modify certain provisions of

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By Mrs. CHRISTENSEN:
H.R. 5021. A bill to authorize the Secretary of the Interior to convey certain submerged lands to the Government of the Virgin Islands; to the Committee on Resources.

By Mr. CONYERS (for himself and Mr. CANNON):
H.R. 5020. A bill to prohibit Internet gambling; to the Committee on the J udiciary.

By Mr. DeFAZIO (for himself, Ms. BALDWIN, Mrs. MALONEY of New York, Mr. GEPhardt, Ms. MORELLA, Mr. FRANK of Massachusetts, Mr. BUTCHER, Mr. NADLER, Ms. JACKSON-LEE of Texas, Mr. MEEHAN, Mr. DELAHUNT, Mr. WEINER, Mr. CROWLEY, Ms. S LAUGHTER, Mr. POMEROY, Mr. WU, Ms. SCHAKOWSKY, Ms. RIVERS, Mr. ANDREWS, Mr. INSEL, Mrs. LOWEY, Mrs. JONES of Ohio, Mr. SANDERS, Mr. HINCHey, Mr. WYN, Mr. STEFANIC, Mr. ABERCROMBIE, Mr. BACA, Mr. BLAGOEVICH, Mr. STUPAK, Ms. ROYBAL-ALLARD, Ms. CARSON, Mr. FROST, Mr. BRADY of Pennsylvania, Mr. DELLAURO, Mr. FOLEY, Mr. DEFAZIO, Mr. ETHERIDGE, Mrs. MEEK of Florida, Mr. MOORE, Mr. THOMPSON of California, and Mr. YEISNE):
H.R. 5021. A bill to restore the Federal civil remedy for crimes of violence motivated by gender; to the Committee on the J udiciary.

By Mr. COX:
H.R. 5022. A bill to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself and Mr. MINK):
H.R. 5023. A bill to promote Israel's role in the international community; to the Committee on International Relations.

By Mr. COYNE (for himself, Mr. STENHOLM, Mr. GOODLING, Mr. BALLenger, and Mr. HOEKSTRA):
H.R. 5024. A bill to amend the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. DEMINT (for himself, Mr. STENHOLM, Mr. GOODLING, Mr. BALLenger, and Mr. HOEKSTRA):
H.R. 5025. A bill to amend the Fair Labor Standards Act of 1938; to the Committee on Transportation and Infrastructure.

By Mr. DEMINT (for himself, Mr. STENHOLM, Mr. GOODLING, Mr. BALLenger, and Mr. HOEKSTRA):
H.R. 5026. A bill to amend the Fair Labor Standards Act of 1938; to the Committee on Education and the Workforce.

By Mr. DOOLITTLE:
H.R. 5029. A bill to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not permit hoisting of flags at half mast when ordered by city and local officials; to the Committee on the J udiciary.

By Mr. DOYLE (for himself and Mr. COYNE):
H.R. 5030. A bill to establish the Steel Industry National Historic Park in the State of Pennsylvania and to provide for the extension of the Pennsylvania Scenic Trail between Cumberland, Maryland, and Pittsburgh, Pennsylvania; to the Committee on Resources.

By Mr. ENGEL (for himself, Mr. BARRETT of Wisconsin, and Mr. MARKKEY):
H.R. 5031. A bill to amend the Consumer Product Safety Act; to the Committee on Commerce.

By Mr. ENGEL (for himself and Mr. OWENS):
H.R. 5032. A bill to amend the Immigration and Nationality Act in regard to Caribbean-born immigrants; to the Committee on the J udiciary.

By Mr. GONZALEZ (for himself and Mr. ROYBAL-ALLARD):
H.R. 5033. A bill to prohibit offering home-building purchase contracts that contain in a single document both a mandatory arbitration agreement and contract provisions and to prohibit requiring purchasers to consent to a mandatory arbitration agreement as a condition precedent to entering into a homebuilding purchase contract; to the Committee on Banking and Financial Services.

By Mr. GRAHAM (for himself, Mr. DEMINT, Mr. MCKEON, Mr. BURRE of North Carolina, Mr. SPEENCE, Mr. GREEN of Texas, Mr. PETERSON of Pennsylvania, Mr. HILEY of Maryland, Mr. ROGERS, Mr. FLETCHER, Mrs. EMERSON, Mr. McDERMOTT, Mr. MCHUGH, Mr. FROST, and Mr. HASTINGS of Washington):
H.R. 5034. A bill to expand loan forgiveness for teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ (for himself, Mr. SERRANO, Mr. PASTOR, and Mr. GONZALEZ):
H.R. 5035. A bill to reduce undue connection with the international community, provide legal advice to individuals applying for immigration benefits or otherwise involved in immigration proceedings by requiring paid immigration consultants to be licensed and otherwise provide services in a satisfactory manner; to the Committee on the J udiciary.

By Mr. HALL of Ohio (for himself and Mr. PORTMAN):
H.R. 5036. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park; to the Committee on Resources.

By Mr. HALL of Texas (for himself and Mr. TAUZIN):
H.R. 5037. A bill to amend the Occupational Safety and Health Act of 1970, to the Committee on Education and the Workforce.

By Mr. HAYWORTH:
H.R. 5038. A bill to amend part C of title XVIII of the Social Security Act to revise and improve the MedicareChoice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mrs. THURMAN, Mr. HAYWORTH, Ms. DUNN, Mr. TANNER, Mr. CAMP, Mr. MCCREERY, Mr. ENGLISH, and Mr. FOLEY):
H.R. 5040. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers does not increase income taxes; to the Committee on Ways and Means.

By Mr. HILL of Montana:
H.R. 5041. A bill to enact the boundaries and classification of a segment of the Missouri River in Montana under the Wild and Scenic Rivers Act; to the Committee on Resources.

By Mr. HOBBIN (for himself and Ms. PRYCE of Ohio):
H.R. 5042. A bill to amend title XVIII of the Social Security Act to protect the right of a Medicare beneficiary enrolled in a MedicareChoice plan to receive services at a skilled nursing facility selected by that individual; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLI (for himself, Mr. UPTON, Mr. ANDREWS, Mr. TRUMPER of California, Mr. OWENS, Mr. PAYNE, Mr. ROMERO-BARCELO, Mr. WU, Mrs. MCCARTHY of New York, Mrs. MORELLA, Mr. NASSEH, Ms. SCHAKOWSKY, Mrs. MALONEY of New York, and Mr. KIND):
H.R. 5043. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON (for himself and Mr. SAM J. OHNSON of Texas):
H.R. 5044. A bill to amend the Internal Revenue Code of 1986 to clarify the confidentiality of certain documents relating to closing agreements and agreements with foreign governments; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. DEMINT, Mr. DERHOLT, Mr. BRADY of Texas, Mr. OXLEY, Mr. STUMP, Mr. GOODLING, Mr. BALLenger, Mr. SOUDER, Mr. GIBBONS, and Mr. PITTS):
H.R. 5045. A bill to provide a civil action for a minor injured by an entertainment product containing material that is harmful to minors, and for other purposes; to the Committee on the J udiciary.

By Mr. JONES of North Carolina:
H.R. 5046. A bill to provide that pay for prevailing rate employees in Pasquotank County, North Carolina, be determined by the same pay schedules and rates as apply with respect to prevailing rate employees in the local wage area that includes Carteret County, North Carolina; to the Committee on Government Reform.

By Mr. J. ONES of North Carolina:
H.R. 5047. A bill to impose restrictions on the use of amounts collected as fees at Cape Hatteras National Seashore under the Recreational Fee Demonstration Program; to the Committee on Resources.
By Mr. KANJORSKI: H.R. 5048. A bill to amend chapter 171 of title 28, United States Code, with respect to the liability of the United States for claims of military personnel for damages for certain injuries; to the Committee on the Judiciary.

By Mrs. KELLY: H.R. 5049. A bill to amend the Federal Water Pollution Control Act to increase efforts to prevent and reduce contamination of navigable waters by methyl tertiary butyl ether, tetrahydrofuran, and trichloroethylene, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. KELLY (for herself, Mr. UDALL of New Mexico, and Mr. MALONEY of Connecticut): H.R. 5050. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Part D Program of vaccinations for Lyme disease; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINK (for himself, Mr. OBEY, Ms. BALDWIN, Mr. HUGHTON, Mr. SANDERS, and Mr. BALDACCI): H.R. 5051. A bill to provide direct payments to producers of dairy milk in any month in which the prices received by milk producers for milk for the preceding three months is less than a target price of $12.50 per hundredweight; to the Committee on Agriculture.

H.R. 5052. A bill to ensure that milk producers in the United States receive a fair price for their milk; to the Committee on Agriculture.

H.R. 5053. A bill to offer States an incentive to improve decisions in contested adoption cases; to the Committee on the Judiciary.

By Mr. KLINK (for himself and Mr. HOFFEL): H.R. 5054. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of qualified conservation easements; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself, Mr. PAUL, Ms. JACKSON-LEE of Texas, Mr. BENSEN, Mr. GREEN of Texas, Mr. STRICKLAND, Mr. TURNER, Mr. Baird, Mr. SOUTHWELL, Mr. NOLAN, and Mr. DAVIS): H.R. 5055. A bill to amend the Social Security Act and the Public Health Service Act with regulations for contracts for domestic mental health centers, to postpone for 1 year the application of the Medicare hospital outpatient prospective payment system to partial hospitalization services, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. ACKERMAN, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. SANDERS, Mr. EVANS, Mr. PORTER, Mr. WAXMAN, Mr. MURPHY of Pennsylvania, Mr. NEAL of Massachusetts, Mr. PORTER, Mr. MURPHY of Texas, Mr. DAVIS of Virginia, Mr. KASCHICH, Mr. KUCINICH, Mr. GALLEGLY, Mr. FATTI of California, Mr. FLINNER, Mr. PALLONE, Mrs. LOWEY, and Mr. STARK): H.R. 5056. A bill to amend the Animal Welfare Act to regulate the personal possession of certain wild animals and to amend title 18 of the United States Code, to prohibit the transport or possession of certain wild animals for purposes of seeking to sell them to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH: H.R. 5058. A bill to amend the Internal Revenue Code of 1986 to reduce the estate and gift tax rates to 30 percent and to increase the exclusion equivalent of the unified credit to $10,000,000; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. HASTERT, Mr. BLAGOJEVICH, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. EWING, Mr. HYDE, Mr. LAGROD, Mr. PHelps, Mr. PORTER, Mr. RUHLS, Mr. SHUMAS, Mr. WELLER, and Mr. ROEMER): H.R. 5058. A bill to provide for a delayed effective date for the implementation of regulations requiring audible warnings at high-way-grade crossings, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. LEE: H.R. 5059. A bill to amend title 49, United States Code, to waive federal preemption of state laws providing for the awarding of punitive damages against motor carriers for engaging in unfair or deceptive trade practices in the processing of claims relating to loss, damage, injury, or delay in connection with transportation of property in interstate commerce; to the Committee on Transportation and Infrastructure.

By Mr. MCCOLLUM (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. FOLEY, Mr. SHADEGG, and Mr. SMITH of New Jersey): H.R. 5060. A bill to provide for the appointment of a guardian ad litem to protect the interests under Federal immigration law of certain alien minor children present in the United States without a parent or other legal guardian; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. FOLEY, Mr. SHADEGG, and Mr. SMITH of New Jersey): H.R. 5061. A bill to provide for the appointment of a guardian ad litem to protect the interests under Federal immigration law of certain alien minor children present in the United States without a parent or other legal guardian; to the Committee on the Judiciary.

By Mr. MCCOLLI (for himself, Mr. FRANK of Massachusetts, Mr. SMITH of Texas, Mr. FROST, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. FILNER, Mr. BILLBRAY, Mr. ROGAN, and Mr. OSE): H.R. 5062. A bill to establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under Section 240A of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. McCrery: H.R. 5063. A bill to amend the Internal Revenue Code of 1986 to enhance the competitiveness of the United States leasing industry; to the Committee on Ways and Means.

By Mr. McCrery: H.R. 5064. A bill to amend the Internal Revenue Code of 1986 to allow employees and employers to self-employ and to pay self-employment taxes in lieu of Social Security and Medicare; to the Committee on Ways and Means.

By Mrs. M. MALONEY of New York (for herself, Mr. HORN, and Mr. WAXMAN): H.R. 5065. A bill to amend the Nazi War Crimes Disclosure Act to extend the authority of the Nazi War Crimes Research Inter-agency Working Group for 2 years, to express the sense of Congress regarding the cooperation of the United States Government in carrying out its duties under such Act, and for other purposes; to the Committee on Government Reform.

By Mr. MARKEN: H.R. 5066. A bill to provide deployment criteria for the National Missile Defense System, and to provide for operationally realistic testing of the National Defense System against counter-measures; to the Committee on Armed Services, and in addition to the Committees on Rules, and Governmental Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKY (for himself, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. RILEY, Mr. MATSU, Mr. FRANKS of New Jersey, Mr. DOYLE, Mr. SAXTON, Mr. GREEN of Texas, Mr. LOBIONDO, Mr. HOLT, Mr. DELAHUNT, Mr. MURPHY of Florida, Mr. NAPOLITANO, Ms. SCHAKOWSKY, Mr. LARSON, Mr. WEYGAND, Mr. PASCRELL, Mr. ALLEN, and Mr. CARDIN): H.R. 5067. A bill to amend title XVIII of the Social Security Act to clarify the definition of homemaker with respect to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida (for herself, Ms. ROS-LEHTINEN, Ms. BROWN of Florida, Mrs. FOWLER, Mr. WELDON of Florida, Mr. DIAZ-BALART, Mr. GOSS, and Mr. RAW): H.R. 5068. A bill to designate the facility of the United States Postal Service located at 9027 Southwest 70th Street in Miami, Florida, as the ‘Marjory Williams Schrivern Post Office’; to the Committee on Government Reform.

By Mr. MINGE (for himself, Ms. HOOLEY of Oregon, Mr. BAIRD, Mr. RODRIGUEZ, Mr. UDALL of New Mexico, Mr. BOSWELL, Ms. KAPTUR, Mr. OLVER, Mr. BAALS of Kentucky, Mr. THOMPSON of California, Mr. DEFAZIO, and Ms. BALDWIN): H.R. 5069. A bill to encourage the deployment of broadband telecommunications in rural America, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE (for himself, Mr. BAIRD, Ms. HOOLEY of Oregon, Mr. KIND, Mr. MINTYRE, Mr. LUTHER, Mr. KANJORSKI, Ms. BALDWIN, Mr. KOLBE, and Mr. SABO): H.R. 5070. A bill to amend title XVIII of the Social Security Act to improve geographic fairness in Medicare Choice payments and hospital payments under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
By Mrs. MINK of Hawaii:
H.R. 5071. A bill to establish comprehensive early childhood education programs, early childhood education staff development programs, and lending programs for early childhood education programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MOLLOHA:
H.R. 5072. A bill to extend the deadline for commencement of construction of certain hydropower projects located in the State of West Virginia; to the Committee on Commerce.

By Mr. MORAN of Virginia:
H.R. 5073. A bill to extend Federal recognition to the Chickahominy Tribe, the Chickahominy Indian Tribe-Eastern Division, the Mattaponi Tribe, the Monacan Tribe, the Pamunkey Tribe, the Rappahannock Tribe, Inc., the Monacan Tribe, and the Nansemond Tribe; to the Committee on Resources.

By Mr. NETHERCUTT (for himself and Ms. DEGETTE):
H.R. 5074. A bill to amend title XVIII of the Social Security Act to provide for the accreditation of diabetes self-management training programs under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:
H.R. 5075. A bill to provide for the conveyance of certain real property at the Carl Vinson Department of Veterans Affairs Medical Center, Dublin, Georgia; to the Committee on Veterans' Affairs.

By Mr. NÚCLEO (for himself and Mr. RAMSTAD):
H.R. 5076. A bill to amend the Internal Revenue Code of 1986 to exempt the compensation from Federal, State, and local public citizen welfare and alcohol and drug abuse prevention and treatment agencies; to the Committee on Ways and Means.

By Mr. ROTHMAN:
H.R. 5078. A bill to amend the Internal Revenue Code, to provide for credit to promote joint activities among individuals; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Mr. CAPUANO, Ms. CARSON, Mrs. CLAYTON, Mr. CLYBURN, Mr. DEFAZIO, Mr. FATTAH, Mr. FILNER, Mr. FRANK of California, Mr. HINCHey, Ms. LEE, Mr. MARTINEz, Mr. MATSU, Ms. MILLER-McDONALD, Ms. NAPOLITANO, Mr. PASTOR, Mr. PERRY of North Carolina, and Mrs. THURMAN):
H.R. 5084. A bill to amend the Internal Revenue Code of 1986 to provide for credit to promote joint activities among low-income individuals; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. CAMPBELL, Mr. DEFAZIO, and Mr. KUCINICH):
H.R. 5085. A bill to reduce the long-term lending activities of the IMF and its role in developing countries, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SAXTON (for himself and Mr. FARR of California):
H.R. 5086. A bill to amend the National Marine Sanctuaries Act to honor Dr. Nancy Foster; to the Committee on Resources.

By Ms. SCHAKOWSKY:
H.R. 5087. A bill to amend title XIX of the Social Security Act to increase the personal needs allowance applied to institutionalized individuals under the Medicare Program; to the Committee on Commerce.

By Mr. STARK and Mr. CARDIN:
H.R. 5089. A bill to amend title XVIII of the Social Security Act to ensure the adequacy of Medicare payment for digital mammography; to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself and Mr. BACHUS):
H.R. 5088. A bill to amend title XVIII of the Social Security Act to increase the per resident payment floor for direct graduate medical education, to promote competition in the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. HEFFLEY, and Mr. SHADEG):
H.R. 5090. A bill to amend the Internal Revenue Code to establish an increased Federal income tax for certain deductions for the use of a passenger automobile to 50 cents per mile; to the Committee on Ways and Means.

By Mr. STRICKLAND (for himself, Mrs. WILSON, Mr. WAXMAN, Mr. HORN, Mrs. CAPPS, Mrs. ROUKEMA, and Ms. KAPTUR):
H.R. 5091. A bill to amend the Public Health Service Act to provide programs for the treatment of mental illness; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:
H.R. 5092. A bill to provide for health care liability reform; to the Committee on the Judiciary.

By Mr. THORNBERRY:
H.R. 5093. A bill to amend title XVIII of the Social Security Act and the Internal Revenue Code of 1986 to improve the ability of medical professionals to practice medicine and provide quality care to patients by providing reimbursement and a tax deduction for patient bad debt; to the Committee on Ways and Means.

By Mr. THORNBERRY:
H.R. 5094. A bill to reduce the amount of paperwork and improve payment policies for care services, to prevent fraud and abuse through health care provider education, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIERNEY (for himself and Mr. HINCHey):
H.R. 5095. A bill to require the Secretary of Agriculture to complete a report regarding the safety and monitoring of genetically engineered foods, and for other purposes; to the Committee on Agriculture.

By Mr. TIERNEY (for himself, Mr. NADLER, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. SCOTT, and Mrs. MCCARTHY of New York):
H.R. 5096. A bill to amend the Individuals with Disabilities Education Act to provide that certain funds treated as local funds under that Act shall be used to provide additional funding for programs under the Elementary and Secondary Education Act of 1965, to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado:
H.R. 5097. A bill to provide interim protection for certain lands in the Arapaho and Roosevelt National Forests in Colorado, to study other management options for some lands, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself and Mr. HEFLEY):
H.R. 5098. A bill to provide incentives for collaborative forest restoration and wetland fire hazard mitigation projects on National Forest System lands and other public and private lands in Colorado, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico:
H.R. 5099. A bill to amend title XVIII of the Social Security Act to provide improvements to the MedicareChoice Program under part C of the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER (for himself, Mr. COBLE, and Mr. CLEMENT):
H.R. 5100. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for occurrences in connection with certain discharges of oil or a hazardous substance; to the Committee on Transportation and Infrastructure.

H.R. 5101. A bill to require certain actions with respect to the availability of HIV/AIDS pharmaceuticals and medical technologies in developing countries, including sub-Saharan African countries; to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself, Mr. CRAWLEY, Mr. ESPE, Mr. HOFF, Mr. HURT, Mr. BROWN of Ohio, Mr. WYNN, Ms. RUSH, Mr. COLE, Mr. PERRY of Tennessee, Mr. THompson, Mr. GIBRAN, Mr. BROWN of Mississippi, Mr. BROWN of California, Mr. CAMP, Mr. PRICE of North Carolina, Mr. FROST, Mrs. MEEK of Florida, and Mr. WISE):

H. Con. Res. 386. Concurrent resolution recognizing the Boy Scouts of America for the public service it performs through its contributions to the lives of the Nation’s boys and young men; to the Committee on the Judiciary.

By Mr. COLLINS:

H. Con. Res. 385. Concurrent resolution expressing the sense of the Congress that the House of Heroes project in Columbus, Georgia, should serve as a model for public service support for the Nation’s veterans; to the Committee on Veterans’ Affairs.

By Mr. CROWLEY:

H. Con. Res. 387. Concurrent resolution recognizing the importance of air quality and environment and support for environmental education programs; to the Committee on Commerce.

By Mr. DAVIS of Illinois (for himself, Mr. SHIMkus, Mr. CAPUANO, Mr. BONILLA, Mr. BILIRakis, Mr. HALL of Texas, Mr. CRAMER, Mr. EVANS, Mr. BERMAN, and Mr. LAHood):

H. Con. Res. 388. Concurrent resolution recognizing the importance of asthma allergy awareness, research, and treatment; to the Committee on Commerce.

By Mrs. JONES of Ohio (for herself, Mr. BOEHNER, Mr. BROWN of Ohio, Mr. CHABOT, Mr. GILLmor, Mr. HALL of Ohio, Mr. HOBSON, Ms. KAPTUR, Mr. KUCINICH, Mr. KASICH, Mr. KATOURETTE, Mr. NEY, Mr. OLXy, Mr. PORTMAN, Ms. PRye of Ohio, Mr. REGULA, Mr. SAWYER, Mr. STRICKLAND, and Mr. TRAFCANT):

H. Con. Res. 389. Concurrent resolution recognizing the historic significance of the 80th anniversary of the AAA Ohio Motorists Association, in providing excellent best wishes for the continued success of the organization; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA (for herself, Mrs. McCARTHY of New York, Mr. DAVIS of Virginia, Mr. JACKSON of Illinois, Ms. BALDWIN, Mr. JEFFERSON, Mr. BLAgEY, Mr. TAUZIN, Mr. COSTELLO, Mr. FROST, Mr. PASTOR, Mr. KLEczka, Mr. GUTierrez, Ms. CARROLL, Mr. LANTos, Mr. KENNEDY of Rhode Island, Mr. M ONAN of Kansas, Mr. CUMmINGS, Mrs. JONES of Ohio, Mrs. BIGGERT, Mr. BLUMENThal, Ms. MALONEY of New York, Mrs. CAPPS, Mr. MCKEON, Mr. CASTLE, Mr. MALONEY of Connecticut, Ms. SLATKIN, Mr. WOODSEY, Mr. BOELERT, Mr. DICKs, and Mr. GILman):

H. Con. Res. 390. Concurrent resolution supporting the goals and ideas of National Take Your Kids to Work Day; to the Committee on Government Reform.

H. Res. 568. Resolution raising a question of the privilege of the House pursuant to Article I, Section 7, of the U.S. Constitution.

H. Res. 569. Resolution designating majority membership on certain standing committees of the House.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

H. Res. 449. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to Senate Resolution No. 553 memorializing the United States Congress to acknowledge the differences between the hallucinogenic drug known as marijuana and the agricultural crop known as hemp; and to assist United States’ producers by clearly authorizing the commercial production of industrial hemp; to the Committee on Agriculture.

H. Res. 450. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 3 memorializing the United States Congress to support an amendment to Title X of the Elementary and Secondary Education Act of 1965 establishing the Physical Education for Progress Act; to the Committee on Education and the Workforce.

H. Res. 451. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 101 memorializing the United States Congress to initiate a study to determine the causes of the recent gasoline price surge; to the Committee on Commerce.

H. Res. 452. Also, a memorial of the Senate of the State of New York, relative to Resolution No. 3967 memorializing the New York State Congressional Delegation to effectuate an amendment in the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes to preserve the integrity and environmental stability of the Great Lakes; to the Committee on International Relations.

H. Res. 453. Also, a memorial of the General Assembly of the State of New Jersey, relative to House Concurrent Resolution No. 53 memorializing the Congress of the United States to enact H.R. 3462, The Wealth through the Environment Act of 1996 (``WTEA'') to provide additional encouragement to employers to create new jobs, to provide additional encouragement to employees to accept new jobs, and to provide additional encouragement to employers to offer stock options for the benefit of all employees; jointly to the Committees on Education and the Workforce and Ways and Means.

H. Res. 454. Also, a memorial of the General Assembly of the State of New Jersey, relative to Senate Resolution No. 2, memorializing the United States Congress to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act; jointly to the Committees on Resources and Transportation and Infrastructure.

H. Res. 455. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 9, memorializing the United States House of Representatives to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act (CWPRA); jointly to the Committees on Resources and Transportation and Infrastructure.

H. Res. 456. Also, a memorial of the General Assembly of the State of New Jersey, relative to House Concurrent Resolution No. 0, memorializing the United States Congress to appropriate thirty-five million dollars for the purpose of paying for the Earned Income Tax Credit owed to Guam’s working poor; and to appropriate funds annually for continuing funding of the Earned Income Tax Credit Program; to the Committee on Ways and Means.

H. Res. 457. Also, a memorial of the Senate of Puerto Rico, relative to Senate Resolution No. 3459 memorializing the President and the Congress of the United States to approve the Permanent Normal Trade Relations (``PNTR'') agreement with China at the earliest possible date in order to promote security and prosperity for all farmers, workers, and consumers by providing substantially greater access to the Chinese market; and for other related purposes; to the Committee on Ways and Means.

H. Res. 458. Also, a memorial of the General Assembly of the State of New Jersey, relative to Senate Resolution No. 200 memorializing the President of the United States, and the Federal Emergency Management Agency to take all available steps to expeditiously provide relief to New Jersey’s flood-areas and flood victims; to the Committee on Ways and Means.

H. Res. 459. Also, a memorial of the General Assembly of the State of New Jersey, relative to House Concurrent Resolution No. 53 memorializing the Congress of the United States to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act; jointly to the Committees on Resources and Transportation and Infrastructure.

H. Res. 460. Also, a memorial of the General Assembly of the State of New Jersey, relative to Senate Resolution No. 2, memorializing the United States Congress to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act (CWPRA); jointly to the Committees on Resources and Transportation and Infrastructure.

H. Res. 461. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 9, memorializing the United States Congress to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act (CWPRA); jointly to the Committees on Resources and Transportation and Infrastructure.

H. Res. 462. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 2, memorializing the United States Congress to pass a multiyear reauthorization of the Coastal Wetlands Planning, Protection, and Restoration Act (CWPRA); jointly to the Committees on Resources and Transportation and Infrastructure.
PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred to:

By Mr. OWENS:

H.R. 5102. A bill for the relief of Javed Iqbal, to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5103. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 5104. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5105. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5106. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.

H.R. 5107. A bill for the relief of R. H. R. of Mississippi, Mr. OSE, Mr. UPTON, Mr. HUGHES, and Ms. SLAUGHTER.

H.R. 5108. A bill for the relief of San Marcos, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5109. A bill for the relief of Mary K. T. of Oregon, Mr. WEXLER, Mr. LEWIS, and Mr. OSE.

H.R. 5110. A bill for the relief of Henry H. O. of Mississippi, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5111. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

H.R. 5112. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5113. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5114. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.

H.R. 5115. A bill for the relief of R. H. R. of Mississippi, Mr. OSE, Mr. UPTON, Mr. HUGHES, and Ms. SLAUGHTER.

H.R. 5116. A bill for the relief of San Marcos, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5117. A bill for the relief of Mary K. T. of Oregon, Mr. WEXLER, Mr. LEWIS, and Mr. OSE.

H.R. 5118. A bill for the relief of Henry H. O. of Mississippi, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5119. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

H.R. 5120. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5121. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5122. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.

H.R. 5123. A bill for the relief of R. H. R. of Mississippi, Mr. OSE, Mr. UPTON, Mr. HUGHES, and Ms. SLAUGHTER.

H.R. 5124. A bill for the relief of San Marcos, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5125. A bill for the relief of Mary K. T. of Oregon, Mr. WEXLER, Mr. LEWIS, and Mr. OSE.

H.R. 5126. A bill for the relief of Henry H. O. of Mississippi, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5127. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

H.R. 5128. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5129. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5130. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.

H.R. 5131. A bill for the relief of R. H. R. of Mississippi, Mr. OSE, Mr. UPTON, Mr. HUGHES, and Ms. SLAUGHTER.

H.R. 5132. A bill for the relief of San Marcos, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5133. A bill for the relief of Mary K. T. of Oregon, Mr. WEXLER, Mr. LEWIS, and Mr. OSE.

H.R. 5134. A bill for the relief of Henry H. O. of Mississippi, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5135. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

H.R. 5136. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5137. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5138. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.

H.R. 5139. A bill for the relief of R. H. R. of Mississippi, Mr. OSE, Mr. UPTON, Mr. HUGHES, and Ms. SLAUGHTER.

H.R. 5140. A bill for the relief of San Marcos, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5141. A bill for the relief of Mary K. T. of Oregon, Mr. WEXLER, Mr. LEWIS, and Mr. OSE.

H.R. 5142. A bill for the relief of Henry H. O. of Mississippi, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5143. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

H.R. 5144. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5145. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5146. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.

H.R. 5147. A bill for the relief of R. H. R. of Mississippi, Mr. OSE, Mr. UPTON, Mr. HUGHES, and Ms. SLAUGHTER.

H.R. 5148. A bill for the relief of San Marcos, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5149. A bill for the relief of Mary K. T. of Oregon, Mr. WEXLER, Mr. LEWIS, and Mr. OSE.

H.R. 5150. A bill for the relief of Henry H. O. of Mississippi, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5151. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

H.R. 5152. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5153. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5154. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.

H.R. 5155. A bill for the relief of R. H. R. of Mississippi, Mr. OSE, Mr. UPTON, Mr. HUGHES, and Ms. SLAUGHTER.

H.R. 5156. A bill for the relief of San Marcos, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5157. A bill for the relief of Mary K. T. of Oregon, Mr. WEXLER, Mr. LEWIS, and Mr. OSE.

H.R. 5158. A bill for the relief of Henry H. O. of Mississippi, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5159. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

H.R. 5160. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5161. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5162. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.

H.R. 5163. A bill for the relief of R. H. R. of Mississippi, Mr. OSE, Mr. UPTON, Mr. HUGHES, and Ms. SLAUGHTER.

H.R. 5164. A bill for the relief of San Marcos, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5165. A bill for the relief of Mary K. T. of Oregon, Mr. WEXLER, Mr. LEWIS, and Mr. OSE.

H.R. 5166. A bill for the relief of Henry H. O. of Mississippi, Mr. BOSWELL, Mr. GALLEGLY, Mr. C OMBEST, and Mr. SHAW.

H.R. 5167. A bill for the relief of Pierre Lyn Ladouceur, to the Committee on the Judiciary.

H.R. 5168. A bill for the relief of Derrick Morell, to the Committee on the Judiciary.

H.R. 5169. A bill for the relief of Virginia Moore, to the Committee on the Judiciary.

H.R. 5170. A bill for the relief of Green Texas, and Mrs. SLAUGHTER.
The following Members added their names to the following discharge petitions:

**PETITIONS, ETC.**

Under clause 3 of rule XII, the Speaker presented a petition of the Essex County Board of Supervisors, Clerk, Essex, New York, relative to Resolution No. 101 petitioning the House of Representatives to amend the Conservation and Reinvestment Act of 1999 to include a provision stating that if any county, town, city or village has more than 20% publicly owned land, the governing body of such municipality must have more than 20% publicly owned land, the governing body of such municipality must approve of the acquisition of any property or property rights with such municipality through the use of CARA funds in whole or in part; which was referred jointly to the Committees on Commerce, Agriculture, and the Budget.

**DISCHARGE PETITIONS—ADDITIONS OR DELETIONS**

The following Members added their names to the following discharge petitions:

**Petition 11 by Ms. Slaugter on House Resolution 520, Silvestre Reyes**
AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4942
OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 25: Page 78, insert after line 15 the following:

(d) PROHIBITING USE OF FUNDS IN CONTRAVENATION OF ACT.—No funds in this Act may be used in contravention of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; popularly known as the "Buy American Act").
IMPROVING FUEL ECONOMY

Mr. GORTON. Mr. President, I am here to cheer the announcement by the Ford Motor Company that it will voluntarily improve the fuel economy of its fleet of sport utility vehicles by 25 percent over a period of 5 years. At a time when gas prices are skyrocketing and sales of SUVs are increasing, this announcement couldn’t come at a better time. Ford’s decision to make SUVs more fuel efficient is welcome news. I have long said that the key is to use existing technology to allow cars to go farther on a gallon of gas and to save consumers money at the gas pump. Ford has set an example that other auto manufacturers should follow immediately. I am anxiously awaiting a response from the remaining two of the big three and hope they will join Ford in its pursuit of cleaner, more efficient vehicles.

I hope the manufacturers, now having pledged to improve fuel efficiency, will join me in my efforts to study an increase in corporate average fuel economy standards. As my colleagues know, I have long been an advocate of raising CAFE standards and scored a breakthrough victory earlier this year that paves the way for the Department of Transportation and the National Academy of Sciences, once again, to study fuel efficiency standards and their relationship to such issues as vehicle safety and to recommend the findings to Congress by July 1, 2001. I look forward to working with the automotive industry to ensure that this study is fair and balanced.

Many constituents and colleagues are surprised to learn of my advocacy for CAFE standards. My motivation is a simple one and is based on the success of the original CAFE standards statutes. I have never been swayed by doomsday predictions from automakers that claim they would be forced to manufacture a fleet of subcompact cars if we allowed the Department of Transportation to study and impose an increase in CAFE standards. We have come a long way from absolute opposition to a study of the issue to today’s major announcement by the Ford Motor Company that will be of tremendous benefit to consumers who want cleaner, more efficient SUVs. This announcement reaffirms my faith in the ability of American automobile manufacturers to produce fuel-efficient vehicles that are the envy of the world. The debate over raising CAFE standards came a long way, and I look forward to continuing this debate when Congress returns from its August recess.

BREACHING COLUMBIA AND SNAKE RIVER DAMS

Mr. GORTON. Mr. President, on a third and separate subject, during the course of this past week, four Northwest Governors, two Republicans and two Democrats—the Governors of Montana, Idaho, Washington, and Oregon—released a framework that shows great promise toward the recovery of endangered salmon on the Columbia and Snake Rivers. They have done so without recommending that any dams on the Columbia and Snake Rivers be breached and destroyed. I agree wholeheartedly with the following statement from their plan:

The region must be prepared in the near term to recover salmon and meet its larger fish and wildlife restoration obligations by acting now in areas of agreement without resorting to breaching the four Snake River dams.

That is a reasonable statement. Unfortunately, it is not one which Vice President Gore and the Federal agencies now concerned with salmon enhancement endorse in their countervailing recommendations of today to keep moving forward with plans to destroy those dams.

I agree with the bipartisan Governors’ plan in many of its elements, including the principle that performance standards must be scientifically based, subject to scientific peer review, reasonably obtainable, and measurable. I agree with the Governors that the National Marine Fisheries Service should work together with local, State, and tribal governments and private landowners on what specific improvements are needed for recovery. I agree with the Governors that we need real leadership and that the President of the United States should appoint one official in the region who will be accountable and who will efficiently oversee Federal agency fish recovery efforts.

Over the past decade, we have squandered more than a billion dollars and commissioned dozens of studies that have done little to promote a consensus on how best to save salmon. The Governors and I agree that local salmon recovery plans that avoid Federal methods of multiplication and top-down planning are a much more effective method of saving salmon. I agree with the Governors that States should move ahead to designate priority watersheds for salmon and steelhead plans that are to be developed within 1 year and that the Federal agencies should have clear numerical goals so that success may be measured in those watersheds.

The appropriations subcommittee of this Congress last year directed the National Marine Fisheries Service to provide numerical goals for all of the listed fish in the Puget Sound and Columbia River regions and a schedule for all other areas and to provide this information to Congress by July 1 of this year. Instead of fulfilling this request, those agencies have said they will not have any goals until the fall of 2001 and that they have only begun the technical recovery planning for any species of fish they seek to recover. In other words, once again the administration says what we ought to do without knowing what those steps are designed to accomplish.

I agree with the Governors and their recommendation that the Army Corps
of Engineers, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service must develop a long-term management plan to address predation by fish-eating birds and marine mammals, including seals and sea lions, and do so by the end of the year. I agree with the Governors that the National Marine Fisheries Service should work with the region to conduct an intensive study to address the role of the ocean in fish recovery and ask that the management of fish and fresh water reflect the information about the ocean as it is developed.

In short, I believe the Governors have a plan that will work. I have supported millions of dollars in salmon recovery money to be given to the States and to local volunteer groups and will work with them.

On the other hand, today the National Marine Fisheries Service has come out with its top-down recommendations, recommendations that, I want to point out, once again call for very specific measures and steps to be taken but do not state any goals for recovery and do not allow us to know what they believe success will be or how that success will be measured.

In the last week or 10 days, the newspapers in the Pacific Northwest have been filled with statements that the Federal Government had abandoned the idea of dam removal as an element in salmon recovery at least. And the implication was that they had abandoned it forever.

Not so, Mr. President. What does the biological opinion that was issued today say in that respect?

It says:

The reasonable and prudent alternative requires that further development of breaches as an option is necessary, and it requires the Corps of Engineers, a year or two ago, to get the USFWS to remove the four lower Snake River dams. The Corps of Engineers by fiscal year 2002 to seek the assumption of a quorum.

The PRESIDING OFFICER. The call of the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEND PINE NURSERY LAND CONVEYANCE ACT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 486, S. 1936.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1936) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bend Pine Nursery Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(2) STATE.—The term "State" means the State of Oregon.

SEC. 3. SALE OR EXCHANGE OF ADMINISTRATIVE SITES.

(a) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following National Forest System land and improvements:

(1) Tract A, Bend Pine Nursery, comprising approximately 210 acres, as depicted on site plan map entitled "Bend Pine Nursery Administrative Site, May 13, 1999".

(2) Tract B, the Federal Government owned structures located at Shelter Cove Resort, Deschutes National Forest, buildings only, as depicted on site plan map entitled "Shelter Cove Resort, November 25, 1997".

(3) Tract C, portions of isolated parcels of National Forest Land located in Township 20 South, Range 10 East section 9, 10, 17, 18, 21 and 22, consisting of approximately 1,260 acres, as depicted on map entitled "Deschutes National Forest Isolated Parcels, January 1, 2000".

(4) Tract D, Alsea Administrative Site, consisting of approximately 24 acres, as depicted on site plan map entitled "Alsea Administrative Site, May 14, 1999".

(5) Tract E, Mapleton Administrative Site, consisting of approximately 8 acres, as depicted on site plan map entitled "Mapleton Administrative Site, May 14, 1999".

(6) Tract F, Springdale Administrative Site, consisting of approximately 3.6 acres, as depicted on site plan map entitled "Site Development Plan, Columbia Gorge Ranger Station, April 22, 1944".

(7) Tract G, Dale Administrative Site, consisting of approximately 37 acres, as depicted on site plan map entitled "Dale Compound, February 1999".

(8) Tract H, Crescent Butte Site, consisting of approximately 8 acres, as depicted on site plan map entitled "Crescent Butte Communication Site, January 1, 2000".

(b) CONSIDERATION.—For the purposes of this Act, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(c) CASH EQUALIZATION.—Notwithstanding any provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(d) SOLICITATIONS OF OFFERS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall solicit offers for sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary shall reject any offer made under this section if the
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Secretary determines that the offer is not ade-
quate or not in the public interest.

(3) RIGHT OF FIRST REFUSAL.—The Bend
Metro Park and Recreation District in Deschutes
County, Oregon, shall be given the right of first
refusal to purchase the Bend Pine Nursery described
in subsection (a)(1).

(f) REVOCATIONS.—(1) Any public land order
withdrawing land described in subsection (a) from
all forms of appropriation under the public land
laws is revoked with respect to any portion of the
land conveyed by the Secretary under this
section.

(2) EFFECTIVE DATE.—The effective date of
any revocation under paragraph (1) shall be the date
determined by the Secretary in accordance with the
conveying the land.

SEC. 4. DISPOSITION OF FUNDS.

(a) DEPOSIT OF PROCEEDS.—The Secretary
shall deposit the proceeds of a sale or exchange
under section 3(a) in the fund established under
Public Law 90–717 (16 U.S.C. 684a) (commonly
known as the “Sisk Act”).

(b) USE OF PROCEEDS.—Funds deposited
under subsection (a) shall be available to the
Secretary, without further Act of appropriation,
for—

(1) the acquisition, construction, or improve-
ment of administrative and visitor facilities and
associated land in connection with the Deschutes National
Forest;

(2) the construction of a bunkhouse facility in
the Upper Housatonic Valley; and

(3) to the extent the funds are not necessary
to carry out paragraphs (1) and (2), the acqui-
sion of land and interests in land in the State.

(c) ADMINISTRATIVE USE.—Subject to valid existing
rights, the Secretary shall manage any land ac-
quired by purchase or exchange under this Act
in accordance with the Act of March 1, 1911 (16
U.S.C. 372 (commonly known as the “Weeks Act”))
and other laws (including regula-
tions) pertaining to the National Forest System.

SEC. 5. CONSTRUCTION OF NEW ADMINISTRATIVE
 FACILITIES.

The Secretary may acquire, construct, or im-
prove administrative facilities and associated
land in connection with the Deschutes National
Forest System by using—

(1) funds made available under section 4(b);

and

(2) to the extent the funds are insufficient to
carry out the acquisition, construction, or im-
provement, funds subsequently made available for
the acquisition, construction, or improve-
ment.

SEC. 6. AUTHORIZATION OF APPROPRIATION.

There are authorized to be appropriated such
sums as are necessary to carry out this Act.

Mr. SMITH of Oregon. Mr. President,
I ask unanimous consent that any com-
mitee amendments be agreed to, o:
where appropriate, the bills be read
the third time and passed, as amended, if
amended, any title amendments be
agreed to, as necessary, the motions to
reconsider be laid upon the table, and
that any statements relating to the
bills be printed in the RECORD, with the
above occurring en bloc.

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agreed to, as necessary, the motions to
reconsider be laid upon the table, and
that any statements relating to the
bills be printed in the RECORD, with the
above occurring en bloc.
SEC. 3. AUTHORIZATION OF STUDY.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary shall complete a study of the Study Area that—

(1) includes resources important to any theme of the Study Area that retains a degree of integrity capable of supporting interpretation;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(3) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(b) Inclusions.—The study shall determine, through appropriate analysis and documentation, whether the Study Area—

(1) includes an assemblage of natural, historical, and cultural resources that represent distinctive aspects of the heritage of the United States that—

(A) are involved in the planning of the Study Area;

(B) have developed a conceptual financial plan that outlines the roles of all participants for development and management of the Study Area, including the Federal Government;

(C) have demonstrated support for the concept of a national heritage area;

(D) are involved in the planning of the Study Area;

(E) are involved in the planning of the Study Area; and

(F) are involved in the planning of the Study Area;

(g) Authorization.—The committee amendments be agreed to, as necessary, the bill be read the third time, and passed, as follows:

(a) In General.—On completion of an environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) Land Acquired.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood," numbered 102/80,044, and dated September 1999.

(c) Addition to Park.—On acquisition of the land under subsection (a), the Secretary shall—

(1) add the land to Sequoia National Park;

(2) modify the boundaries of Sequoia National Park to include the land; and

(3) administer the land as part of Sequoia National Park in accordance with all applicable law (including regulations).

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to consider the bill (S. 2279) to authorize the addition of land to Sequoia National Park, and for other purposes, which was ordered to be engrossed for the third reading, read the third time, and passed, as follows:

S. 2279  
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) In General.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) add the land to Sequoia National Park;

(2) modify the boundaries of Sequoia National Park to include the land; and

(3) administer the land as part of Sequoia National Park in accordance with all applicable law (including regulations).

(b) Price.—The price of the land conveyed under subsection (a) shall be equal to the appraised value of the land, as determined by the Secretary.

(c) Land Description.—(1) The land referred to in subsection (a) is the approximately 16,500 acres of land in Big Horn County and Washakie County, Wyoming, to the Westside Irrigation District, Wyoming, for other purposes.

(2) Use of Proceeds.—Proceeds of the sale of land under subsection (a) shall be deposited in a special account in the Treasury of the United States and shall be available to the Secretary of the Interior, without further Act of appropriation, for the acquisition of land and interests in land in the Warner District of the Bureau of Land Management in the State of Wyoming that will benefit public recreation, public access, fish and wildlife habitat, or cultural resources.

The committee amendment in the nature of a substitute was agreed to.

There being no objection, the Senate agreed to the amendments.  

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to consider the bill (H. R. 1749) to designate Wilson Creek in Arapahoe, and Grants Counties, North Carolina, as a component of the National Wild and Scenic Rivers System.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following bill, Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H. R. 1749) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 610) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 610) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 610) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 610) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 610) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 610) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 610) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 610) was read the third time and passed.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the following two bills: Calendar No. 631, S. 610, and Calendar No. 741, S. 2279.
Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and all amendments relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

WEKIVA WILD AND SCENIC RIVER DESIGNATION ACT

The Senate proceeded to consider the bill (S. 2532) to designate portions of the Wekiva River and its associated tributaries as a component of the National Wild and Scenic River System, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert the part printing:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wekiva Wild and Scenic River Designation Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 104–311 authorized the study of the Wekiva River and the associated tributaries of Rock Springs Run and Seminole Creek (including Wekiva Springs Run and the tributary of Black Water Creek that connects Seminole Creek to the Wekiva River) for potential inclusion in the National Wild and Scenic Rivers System;

(2) the study referred to in paragraph (1) determined that the Wekiva River and the associated tributaries of Wekiva Springs Run, Rock Springs Run, Black Water Creek, and Black Water Creek downstream of Lake Norris to the confluence with the Wekiva River are eligible for inclusion in the National Wild and Scenic Rivers System on the free-flowing condition and outstanding scenic, recreational, fishery, wildlife, historic, cultural, and water quality values of those waterways;

(3) it shall be necessary to designate the Wekiva River as a component of the National Wild and Scenic River System has been demonstrated through substantial attendance at public meetings and by local agency support, and the support and endorsement of designation by the Wekiva River Basin Working Group that was established by the Department of Environmental Protection of the State of Florida and represents a broad cross section of State and local agencies, landowners, environmentalists, non-government organizations, and recreational users;

(4) the State of Florida has demonstrated a commitment to protect the Wekiva River—

(a) by enacting Florida Statutes chapter 369, the Wild and Scenic Rivers Act; and

(b) by establishing a riparian habitat wildlife protection zone and water quality protection zone administered by the St. Johns River Water Management District;

(c) by designating the Wekiva River as outstanding Florida waters; and

(d) by acquiring State preserve, reserve, and park land adjacent to the Wekiva River and associated tributaries;

(5) Lake, Seminole, and Orange Counties, Florida, have demonstrated their commitment to protect the Wekiva River and associated tributaries in the comprehensive land use plans and land development regulations of those counties; and

(6) the segments of the Wekiva River, Rock Springs Run, and Black Water Creek described in section 3, totaling approximately 41.6 miles, are in public ownership, protected by conservation easements, or defined as waters of the State of Florida.

SEC. 3. DESIGNATION.

Section 3(a) of the National Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(162) WEKIVA RIVER, WEKIBA SPRINGS RUN, ROCK SPRINGS RUN, AND BLACK WATER CREEK, FLORIDA.—

“(A) The 41.6 miles of river tributary segments in Florida, as follows:

(i) WEKIVA RIVER, FLORIDA.—The 14.9 miles of the Wekiva River, from its confluence with the St. Johns River to Wekiva Springs, to be administered by the Secretary in the following classifications:

(I) From the confluence with the St. Johns River to the southern boundary of the Lower Wekiva River State Preserve, approximately 4.4 miles, as a wild river.

(II) From the southern boundary of the Lower Wekiva River State Preserve to the northern boundary of Rock Springs Run State Reserve at the Wekiva River, approximately 3.4 miles, as a recreational river.

(III) From the northern boundary of Rock Springs Run State Reserve to the southern boundary of Rock Springs Run State Reserve at the Wekiva River, approximately 5.9 miles, as a wild river.

(IV) From the southern boundary of Rock Springs Run State Reserve at the Wekiva River upstream along Wekiva Springs Run to Wekiva Springs, approximately 1.2 miles, as a recreational river.

(B) The 8.8 miles of Rock Springs Run, from its confluence with the Wekiva Springs Run to its headwaters at Rock Springs Run State Reserve, to be administered by the Secretary in the following classifications:

(i) From the confluence with Wekiva Springs Run to the headwaters of Rock Springs Run State Reserve, approximately 6.9 miles, as a wild river.

(ii) From the western boundary of Rock Springs Run State Reserve at Rock Springs Run to Rock Springs Run State Reserve, approximately 1.9 miles, as a recreational river.

(iii) ROCK SPRINGS RUN, FLORIDA.—The 8.8 miles of Rock Springs Run, from its confluence with the Wekiva Springs Run to its headwaters at Rock Springs Run State Reserve, to be administered by the Secretary in the following classifications:

(I) From the confluence with Wekiva Springs Run to the western boundary of Rock Springs Run State Reserve, approximately 6.9 miles, as a wild river.

(II) From the western boundary of Rock Springs Run State Reserve at Rock Springs Run to Rock Springs Run State Reserve, approximately 1.9 miles, as a recreational river.

(iv) BLACK WATER CREEK, FLORIDA.—The 17.9 miles of Black Water Creek from its confluence with the Wekiva River to the outflow from Lake Norris, to be administered by the Secretary in the following classifications:

(I) From the confluence with Wekiva River to approximately .25 mile downstream of the Seminole State Forest road crossing, approximately .5 miles, as a scenic river.

(II) From approximately .25 mile upstream of the Seminole State Forest road crossing to approximately .25 mile downstream of the old railroad grade crossing (approximately river mile 9), approximately 4.5 miles, as a wild river.

(III) From approximately .25 mile downstream of the old railroad grade crossing (approximately river mile 9) to approximately 10.6 miles downstream of the Seminole State Forest road crossing, approximately 4.0 miles, as a wild river.

(IV) From approximately 10.6 miles downstream of the Seminole State Forest road crossing to approximately 15.9 miles downstream of the Seminole State Forest road crossing, approximately .5 mile, as a scenic river.

(V) From approximately .25 mile upstream of the Seminole State Forest road crossing to approximately .25 mile downstream of the old railroad grade crossing (approximately river mile 9), approximately 4.5 miles, as a wild river.

(VI) From approximately .25 mile downstream of the old railroad grade crossing (approximately river mile 9) to approximately 10.6 miles downstream of the Seminole State Forest road crossing, approximately 4.0 miles, as a wild river.

(VII) From approximately .25 mile upstream of the State Road 44A crossing to approximately .25 mile downstream of the State Road 44A crossing, approximately .5 mile, as a recreational river.

(VIII) From approximately .25 mile downstream of the State Road 44A crossing to approximately .25 mile downstream of the State Road 44A crossing, approximately 4.8 miles, as a wild river.

(25) mile downstream of the State Road 44A crossing to approximately .25 mile downstream of the State Road 44A crossing, approximately .5 mile, as a recreational river.

(VIII) From approximately .25 mile downstream of the State Road 44A crossing to approximately .25 mile downstream of the State Road 44A crossing, approximately .5 mile, as a recreational river.

(VIII) From approximately .25 mile downstream of the State Road 44A crossing to approximately .25 mile downstream of the State Road 44A crossing, approximately 4.8 miles, as a wild river.

SEC. 4. SPECIAL REQUIREMENTS APPLICABLE TO WEKIVA RIVER AND TRIBUTARIES.

(a) DEFINITIONS.—As used in this Act—

(1) COMMITTEE.—The term “Committee” means the Wekiva River System Advisory Management Committee established pursuant to section 3.

(b) COOPERATIVE AGREEMENT.—

(1) USE AUTHORIZED.—In order to provide for the long-term protection, preservation, and enhancement of the Wekiva River system, the Secretary shall offer to enter into cooperative agreements pursuant to sections 10(c) and 11(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c), 1282(b)(1)) with the State of Florida, appropriate local political jurisdictions of the State, namely the counties of Lake, Orange, and Seminole, and appropriate local planning and environmental organizations.

(c) COMPLIANCE REVIEW.—After completion of the comprehensive management plan, the Secretary shall biennially review compliance with the plan and shall promptly report to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate any deviation from the plan that could result in any diminution of the values for which the Wekiva River system was designated as a component of the National Wild and Scenic Rivers System.

(d) TECHNICAL ASSISTANCE AND OTHER SUPPORT.—The Secretary may provide technical assistance, staff support, and funding to assist in the development and implementation of the comprehensive management plan.

SECTION 4. DESIGNATION OF SEMINOLE CREEK.—If the Secretary finds that Seminole Creek in the State of Florida, from its headwaters at Seminole Springs to its confluence with Black Water Creek, should be designated as a component of the National Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), and the owner of the property through which Seminole Creek runs notifies the Secretary of the owner’s interest for designation, the Secretary may designate that tributary as an additional component of the National Wild and Scenic Rivers System. The Secretary shall publish notice of the designation in the Federal Register, and the designation shall become effective on the date of publication.

(g) LIMITATION ON FEDERAL SUPPORT.—Nothing in this section shall be construed to authorize funding for land acquisition, facility development, or operations.
The committee amendment in the nature of a substitute was agreed to. The bill (S. 2362), as amended, was read the third time and passed.

NATCHEZ TRACE PARKWAY, MISSISSIPPI

The Senate proceeded to consider the bill (S. 2020) to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes, which had been reported from the Committee on Energy and Natural Resources.

The bill was read the third time and passed as follows:

S. 2020

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

SECTION 1. DEFINITIONS.

In this Act:

(1) PARKWAY.—The term "Parkway" means the Natchez Trace Parkway, Mississippi, and for other purposes, which had been reported from the Committee on Energy and Natural Resources.

SECTION 2. BOUNDARY ADJUSTMENT AND LAND ACQUISITION.

(a) IN GENERAL.—The Secretary shall adjust the boundary of the Parkway to include approximately—

(1) 150 acres of land, as generally depicted on the map entitled "Alternative Alignments/Area", numbered 604–20062A and dated May 1988; and

(2) 80 acres of land, as generally depicted on the map entitled "Emerald Mound Development Concept Plan", numbered 604–20042E and dated August 1987.

(b) MAPS.—Maps referred to in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service.

(c) ACQUISITION.—The Secretary may acquire the land described in subsection (a) by donation, purchase with donated or appropriated funds, or exchange (including exchange with the State of Mississippi, local governments, and private persons).

(d) ADMINISTRATION.—Land acquired under this section shall be administered by the Secretary as part of the Parkway.

SEC. 3. AUTHORIZATION OF LEASING.

The Secretary, acting through the Superintendent of the Parkway, may lease land within the boundary of the Parkway to the city of Natchez, Mississippi, for any purpose compatible with the Parkway.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration, en bloc, of the following two bills: Calendar No. 680, S. 2247, and Calendar No. 681, H.R. 940.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 2247) to establish the Wheeling National Area in the State of West Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources;

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that any committee amendments be agreed to, where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

WHEELING NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (S. 2247) to establish the Wheeling National Area in the State of West Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(1) The part in black brackets and insert the part printed in italic.

S. 2247

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 "Wheeling National Heritage Area Act of 2000".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the area in an around Wheeling, West Virginia, possesses important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce and industry, and Victorian culture in the United States;

(2) the City of Wheeling has played an important part in the settlement of this country by serving as—

(A) the western terminus of the National Road of the early 1800's;

(B) the "Crossroads of America" throughout the nineteenth century;

(C) one of the few major inland ports in the nineteenth century; and

(D) the site for the establishment of the Restored State of Virginia, and later the State of West Virginia, during the Civil War and as the first capital of the new State of West Virginia;

(3) the City of Wheeling has also played an important role in the industrial and commercial heritage of the United States, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, textile manufacturing, boat building, glass manufacturing, stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the national economy;

(4) the City of Wheeling has retained its national heritage themes with the designations of the old custom house (now Independence Hall) and the historic suspension bridge as National Historic Landmarks; with five historic districts; and many individual properties within the Wheeling Historic District that are eligible for nomination to the National Register of Historic Places;

(5) the heritage themes and number and diversity of Wheeling's remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States; and

(6) in 1992 a comprehensive plan for the development and administration of the Wheeling National Heritage Area was completed by the West Virginia National Park Service, the City of Wheeling, and the Wheeling National Task Force, including—

(A) an inventory of the national and cultural resources in the City of Wheeling;

(B) criteria for preserving and interpreting significant natural and historic resources;
SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term “city” means the City of Wheeling;

(2) the term “heritage area” means the Wheeling National Heritage Area established in section 4; and

(3) the term “plan” means the “Plan for the Wheeling National Heritage Area” dated August 1992.

The Senate proceeded to consider the bill (S. 2247), as amended, was read the third time and passed. [The bill will appear in a future edition of the Record.]

LACKAWANNA VALLEY NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an
amendment and an amendment to the title; as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

TITLE I—LACKAWANNA VALLEY NATIONAL HERITAGE AREA

SECTION 101. SHORT TITLE.

This title may be cited as the “Lackawanna Valley National Heritage Area Act of 2000”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the entire heritage area;

(4) the labor movement played a significant role in the development of the Nation, including—

(A) the organization of major labor unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, interpret, and develop this heritage area adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) PURPOSE.—The purposes of the Lackawanna Valley National Heritage Area Act are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania to enable the communities to conserve their heritage while continuing to pursue economic opportunities;

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (A); and

(3) to provide for the purposes of preparing and implementing the management plan, use funds made available under this Title to hire and compensate staff.

C. MANAGEMENT PLAN.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area;

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 106. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES OF MANAGEMENT ENTITY. The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) MANAGEMENT PLAN.—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(c) SPECIFICATION OF FUNDING SOURCES.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(d) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area that has been compiled to support the purposes of the Heritage Area in that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of their cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) SUBMISSION TO SECRETARY FOR APPROVAL.—(A) IN GENERAL.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date referred to in subparagraph (A), the Secretary shall not, after that date, provide any grant or other assistance under this Title with respect to the Heritage Area until a management plan submitted by the Heritage Area is submitted to the Secretary.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in establishing and maintaining interpretive exhibits in the Heritage Area;

(3) respect the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(4) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(5) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(6) use Federal funds received under this Title—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity;

(B) make available to the Secretary for audit all records concerning the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(7) USE OF FEDERAL FUNDS.—

(C) make available to the Secretary for audit all records concerning the expenditure of such funds.

(8) FUNDING SOURCES.—Nothing in this Title precludes the management entity from using Federal funds obtained through law other than this Title for any purpose for which the funds are authorized to be used.

SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(B) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.
(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—
(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and
(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Title not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—
(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(b) DEADLINES FOR APPROVAL OR REVISION.—
The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—
(1) IN GENERAL.—The Secretary shall review substantial amendments (as determined under section 6(c)(3)) to the management plan for the Heritage Area.

(2) AGREEMENT OF APPROVAL.—Funds made available under this Title shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 108. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Title after September 30, 2012.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Title $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Title for any fiscal year.

(b) 20 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Title shall not exceed 20 percent.

TITLE II—SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA

SEC. 201. SHORT TITLE.

This title may be cited as the “Schuylkill River Valley National Heritage Area Act.”

SEC. 202. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—
(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;
(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and 1 of the first in the United States;
(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;
(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;
(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;
(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to give support to the area;
(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;
(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;
(9) there is a longstanding commitment to—
(A) repairing the environmental damage to the river and its surrounding caused by the largely unregulated industrial activity; and
(B) conserving, the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;
(10) there is need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and
(11) the maintenance of the Interior is responsible for protecting the Nation’s cultural and historical resources; and
(B) there are significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) PURPOSES.—The purposes of this title are—
(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania; enable the communities to conserve their heritage while continuing to pursue economic opportunities; and
(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.

SEC. 203. DEFINITIONS.

In this title:
(1) COOPERATIVE AGREEMENT.—The term “cooperative agreement means the cooperative agreement established under section 204(d).
(2) HERITAGE AREA.—The term “Heritage Area” means the Schuylkill River Valley National Heritage Area established by section 204.
(3) MANAGEMENT ENTITY.—The term “management entity” means the management entity of the Heritage Area appointed under section 204.
(4) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under section 205.
(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
(6) STATE.—The term “State” means the State of Pennsylvania.

SEC. 204. ESTABLISHMENT.

(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.

(d) COOPERATIVE AGREEMENT.—
(1) IN GENERAL.—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity created under this section.

(2) CONTENTS.—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—
(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;
(B) an identification and description of the management entity that will administer the Heritage Area; and
(C) a description of the role of the State.

SEC. 205. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—
(1) take into consideration State, county, and local plans;
(2) involve residents, public agencies, and private organizations working in the Heritage Area.

(c) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and
(4) include—
(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;
(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;
(C) a recommendation of policies for resource management that considers the need to apply appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability; and
(D) a program for implementation of the management plan by the management entity;
(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and
(F) an interpretation plan for the Heritage Area.

(d) DISQUALIFICATION FROM FUNDING.—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this title, the Heritage Area shall be ineligible to receive Federal funding under this title until the date on which the Secretary receives the management plan.

(e) UPDATE OF PLAN.—In lieu of developing an original management plan, the management entity may update the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.

SEC. 206. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—
(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and
(2) hire and compensate staff.

(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—
(1) develop and submit the management plan under section 205;
(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—
(A) assist units of government, regional planning organizations, and nonprofit organizations in—
(i) preserving the Heritage Area;
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(ii) establishing and maintaining interpretive exhibits in the Heritage Area;
(iii) developing recreational resources in the Heritage Area;
(iv) increasing public awareness of, and appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;
(v) restoring historic buildings relating to the themes of the Heritage Area; and
(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;

(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and

(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

conducted public meetings at least quarterly regarding the implementation of the management plan;

submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan, in the Secretary for the approval of the Secretary; and

for any fiscal year in which Federal funds are required under this title:

(A) submit to the Secretary a report describing—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which the management entity made any grant during the fiscal year;

(B) make available for audit all records pertaining to the expenditure of Federal funds and any management entity’s financial statements, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available all records pertaining to the expenditure of such funds; and

(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available all records pertaining to the expenditure of Federal funds;

(c) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for their permitted purposes.

(d) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 207. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.

(b) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—

(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this title, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.

(2) MANAGEMENT PLAN CONTENTS.—In reviewing the plan, the Secretary shall consider whether the composition of the management entity and the plan adequately reflect diverse interest of the region, including those of—

(A) local elected officials,

(B) the State,

(C) business and industry groups,

(D) organizations interested in the protection of natural and cultural resources, and

(E) other community organizations and individual stakeholders.

(c) MANAGEMENT ENTITY REVIEW.—The Secretary shall review and approve substantial amendments to the management plan.

The Secretary may not make any grant or expend to implement any substantial amendment the Secretary approves until the Secretary approves the management plan.

(d) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.

(e) APPROVAL OF AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review and approve substantial amendments to the management plan.

(2) FUNDING EXPENDITURE LIMITATION.—Funds appropriated under this title may not be expended to implement any substantial amendment until the Secretary approves the amendment.

SEC. 208. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

(a) IN GENERAL.—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.

(b) FUNDING.—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.

SEC. 209. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the date that is 15 years after the date of enactment of this title.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated under this title $10,000,000, of which not more than $1,000,000 is authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—Federal funding provided under this title may not exceed 50 percent of the total cost of any project or activity funded under this title.

Amend the title so as to read: “To designate the Hinkawanna Valley and the Schuykill River National Heritage Areas, and for other purposes.”

The committee amendment was agreed to.

The bill (H.R. 940), as amended, was read the third time and passed.

LONG-TERM CARE SECURITY ACT
Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 4040.

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. 940) entitled “An Act to extend 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”, with the following amendments:

(1) Page 2, line 7, strike [and].
(2) Page 2, line 9, strike the comma and insert; and
(3) Page 2, after line 9, insert the following: “(c) an individual employed by the Tennessee Valley Authority.”

(4) Page 52, line 18, after “limit” insert: under title 5, United States Code.

(5) Page 52, line 1, after “limit” insert: under title 5, United States Code.

(6) Page 51, strike lines 7 through 19.

Mr. SMITH of Oregon. 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.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2000
Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 673, S. 2386.

Mr. LEVIN. Mr. President, I am pleased that today the Senate is taking up, as an amendment to the reauthorization of the Breast Cancer Research Stamp, the Semipostal Act, an amendment I sponsored with Senators Feinstein and Hutchison.

The amendment is very similar to the McHugh bill that we sent to the President yesterday, which establishes the authority to issue semipostals in the U.S. Postal Service. However, it is different in that it requires the Postal Service to recoup the full costs associated with the stamp. This bill will ensure that the Postal Service recovers its costs before funds are made available to the agency to carry out the designated program. We do not want the Postal Service using its own budget to fund contributions to causes designated by semipostals. Only the true net profit from the sale of the semipostals will be made available to
Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 1809) to improve service systems for individuals with developmental disabilities, and for other purposes, shall make the following corrections:

1. Strike "1999" each place it appears (other than in section 101(a)(2)) and insert "2000".
2. In section 101(a)(2), strike "are" and insert "were".
3. In section 104(a)—
   (A) in paragraphs (1), (3)(C), and (4), strike "2000" each place it appears and insert "2001"; and
   (B) in paragraph (4), strike "fiscal year 2001" and insert "fiscal year 2002".
4. In section 124(c)(4)(B)(i), strike "2001" and insert "2002".
5. In section 125(c)—
   (A) in paragraph (5)(H), strike "assess" and insert "access"; and
   (B) in paragraph (7), strike "2001" and insert "2002".
6. In section 129(a)—
   (A) strike "fiscal year 2000" and insert "fiscal year 2001"; and
   (B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".
7. In section 144(e), strike "2001" and insert "2002".
8. In section 145—
   (A) strike "fiscal year 2000" and insert "fiscal year 2001"; and
   (B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".
9. In section 156—
   (A) in subsection (a)(1)—
      (i) strike "fiscal year 2000" and insert "fiscal year 2001"; and
      (ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and
   (B) in subsection (b), strike "2000" each place it appears and insert "2001".
10. In section 183—
   (A) strike "fiscal year 2000" and insert "fiscal year 2001"; and
   (B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".
11. In section 212, strike "2000 through 2006" and insert "2001 through 2007".
12. In section 365—
   (A) in subsection (a)—
      (i) strike "fiscal year 2000" and insert "fiscal year 2001"; and
      (ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and
   (B) in subsection (b)—
      (i) strike "fiscal year 2000" and insert "fiscal year 2001"; and
      (ii) strike "fiscal years 2001 and 2002" and insert "fiscal years 2002 and 2003".

Paul D. Coverdell Fellowship Program

Mr. SMITH of Oregon. 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 (S. 2998) was read the third time, and passed, as follows:

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 "Paul D. Coverdell Fellows Program Act of 2000".

SECTION 2. FINDINGS.

Congress makes the following findings:

(a) In General.—Effective on the date of enactment of this Act, the program under section 1 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "Peace Corps Fellows/USA Program" is redesignated as the "Paul D. Coverdell Fellows Program".

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps Fellows/USA Program shall, on and after such date, be considered to refer to the Paul D. Coverdell Fellows Program.

Settlement of Water Rights Claims of the Shivwits Band of the Paiute Indian Tribe

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3291.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3291) to provide for the settlement of water rights claims of the Shivwits Band of the Paiute Tribe of Utah, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. Hatch. Mr. President, today the Senate will pass the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act and send the legislation to the President. This is an important day for the citizens of Washington County, Utah, and the members of the Shivwits Band. This legislation will finally provide a settlement of water rights issues of the Santa Clara
River in Washington County, the driest county in the second driest state in the Union.

The Santa Clara is a fairly small river running through the Shivwits Band’s reservation near the city of St. George, Utah, an area that is shared by the Washington County, the Washington County Water Conservancy District, St. George, the town of Ivins, the town of Santa Clara, and the Shivwits Band. Last, but not least, Mr. President, this water is also used by the Virgin River stakeholders, an endangered fish species residing in the river. This water settlement meets the needs of all of these interested parties.

This legislation will also establish the St. George Water Reuse Project. This project will provide a pressurized pipeline from the nearby Gunlock Reservoir to deliver 1,900 acre-feet of water to the St. George Band.

I was pleased to be the sponsor of this bill in the Senate, and I would like to express my deep appreciation to Chairman Campbell and Vice Chairman Sartarelli of the Senate Indian Affairs Committee for their outstanding support for this legislation. Without their help and the help of their staffs, this legislation would not have progressed as smoothly as it has. I also express my appreciation to my good friend, Senator Bennett, a cosponsor of this bill, for his support.

Finally, however, I want to give due credit to the Administration, the local officials of Washington County, and the members of the Shivwits Band for constructing this agreement. I am a firm believer in a collaborative process and the inclusion of local officials and citizens in it. I believe that legislation—both before and after passage—can be far more successful than when local input is missing from a bill’s development.

Again, I want to thank all Senators for their support of this legislation.

Mr. SMITH of Oregon. 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. 3291) was read the third time and passed.

DONALD J. MITCHELL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H.R. 1982, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk reads as follows:

A bill (H.R. 1982) to name the Department of Veterans Affairs outpatient clinics located at 125 Brookley Drive, Rome, New York as the “Donalid J. Mitchell Department of Veterans Affairs Outpatient Clinic.”

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH of Oregon. 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. 1982) was read the third time and passed.

25TH ANNIVERSARY OF HELSINKI FINAL ACT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to consider the joint resolution.

Mr. SMITH of Oregon. I ask unanimous consent that the joint resolution be read the third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 48) was read the third time and passed.

The preamble reads as follows:

S.J. Res. 48

Whereas August 1, 2000, is the 25th anniversary of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), renamed the Organization for Security and Cooperation in Europe (OSCE) in January 1995 (in this joint resolution referred to as the “Helsinki Final Act”); Whereas the Helsinki Final Act, for the first time in the history of international agreements, accorded human rights the status of a fundamental principle in regulating international relations; Whereas during the Communist era, members of nongovernmental organizations, such as the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Lithuania, Georgia, and Armenia and similar groups in Czechoslovakia and Poland, sacrificed their personal freedom and even their lives in their courageous and vocal support for the principles enshrined in the Helsinki Final Act; Whereas the United States Congress contributed to achieving the aims of the Helsinki Final Act by creating the mission on Security and Cooperation in Europe to monitor and encourage compliance with provisions of the Helsinki Final Act; Whereas in the 1990 Charter of Paris for a New Europe, the participating states declared, “Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government.”

WHEREAS in the 1991 Document of the Moscow Meeting of the Conference on Security and Cooperation in Europe, the participating states “categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE and matters of concern to all participating States and do not belong exclusively to the internal affairs of the State concerned; Whereas in the 1990 Charter of Paris for a New Europe, the participating states committed themselves “to build, consolidate and strengthen democracy as the only system of government of our nations”; Whereas the 1999 Istanbul Charter for European Security and Istanbul Summit Declaration note the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and Sinti, and promoting democracy and respect for human rights in Serbia; Whereas the main challenge facing the participating states remains full implementation of the principles and commitments contained in the Helsinki Final Act and other OSCE documents adopted on the basis of consensus; Whereas the participating states have recognized that economic liberty, social justice, and environmental responsibility are indispensable for prosperity; Whereas the participating states have committed themselves to promote economic reforms through enhancing economic activity with the aim of advancing the principles of market economies; Whereas the participating states have stressed the importance of respect for the rule of law and of vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity; Whereas OSCE has expanded the scope and substance of its efforts, undertaking a variety of preventive diplomacy initiatives designed to prevent, manage, and resolve conflict within and among the participating states; Whereas the political-military aspects of security remain vital to the interests of the participating states and constitute a core element of OSCE’s concept of comprehensive security; Whereas the OSCE has played an increasingly active role in civilian police-related activities, including training, as an integral part of OSCE’s efforts in conflict prevention, crisis management, and post-conflict rehabilitation; and Whereas the participating states bear primary responsibility for raising violations of the Helsinki Final Act and other OSCE documents; Now, therefore, be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress calls upon the President to—

1. issue a proclamation—
(A) recognizing the 25th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe; (B) reasserting the commitment of the United States to full implementation of the Helsinki Final Act; (C) urging all signatory states to abide by their obligations under the Helsinki Final Act; and
2. encourage the people of the United States to join the President and the Congress in observance of this anniversary with
CONDEMNING PREJUDICE AGAINST ASIANS AND PACIFIC ISLAND ANCESTRY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 698, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States, and supporting political and civic participation by such individuals throughout the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on the Judiciary, with an amendment to the preamble, and an amendment to the title; as follows:

(Strike out all after the enacting clause and the preamble and insert the part printed in italic)

Whereas the belief that all persons have the right to life, liberty, and the pursuit of happiness is a truth that individuals in the United States hold as self-evident;

Whereas all individuals in the United States are entitled to the equal protection of law;

Whereas individuals of Asian and Pacific Island ancestry have made profound contributions to life in the United States, including the arts, the economy, education, the sciences, technology, politics, and sports, among other areas;

Whereas individuals of Asian and Pacific Island ancestry have demonstrated their patriotism by honorably serving to defend the United States in times of armed conflict, from the Civil War to the present;

Whereas recent allegations of espionage and illegal campaign financing involve allegations of misconduct by certain individuals, such allegations should not result in questioning the loyalty and probity of individuals of the same or similar ancestry in the United States, simply due to such ancestry; and

Whereas the individuals of Asian and Pacific Island ancestry have suffered discrimination and unfounded accusations of disloyalty throughout the history of the United States, resulting in discrimination involving the former Act of May 6, 1882 (22 Stat. 58, chapter 126) (often referred to as the “Chinese Exclusion Act”) and a 1913 California law relating to alien-owned land, and discriminatory actions, including internment of patriotic and loyal individuals of Japanese ancestry during the Second World War, the repatriation of Filipino immigrants, and the prohibition of individuals of Asian and Pacific Island ancestry from owning property, voting, testifying in court, or attending school with other people in the United States: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress condemns all prejudice against individuals of Asian and Pacific Island ancestry in the United States; and

(2) it is the sense of Congress that—

(A) no individual in the United States should stereotype or generalize the actions of an individual to an entire group of people;

(B) individuals of Asian and Pacific Island ancestry in the United States are entitled to all due process rights and privileges afforded to all individuals in the United States; and

(C) all executive agencies should act within their respective jurisdictions in accordance with existing civil rights laws.

Amend the title to read as follows: “Condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States.”

Mr. SMITH of Oregon. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 301 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 301) designating August 16, 2000, as “National Airborne Day.”

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. SMITH of Oregon. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

The resolution (S. Con. Res. 53), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 53

Whereas the belief that all persons have the right to life, liberty, and the pursuit of happiness is a truth that individuals in the United States hold as self-evident;

Whereas all individuals in the United States are entitled to the equal protection of law;

Whereas individuals of Asian and Pacific Island ancestry have made profound contributions to life in the United States, including the arts, the economy, education, the sciences, technology, politics, and sports, among other areas;

Whereas individuals of Asian and Pacific Island ancestry have demonstrated their patriotism by honorably serving to defend the United States in times of armed conflict, from the Civil War to the present;

Whereas recent allegations of espionage and illegal campaign financing involve allegations of misconduct by certain individuals, such allegations should not result in questioning the loyalty and probity of individuals of the same or similar ancestry in the United States, simply due to such ancestry; and

Whereas the individuals of Asian and Pacific Island ancestry have suffered discrimination and unfounded accusations of disloyalty throughout the history of the United States, resulting in discriminatory laws, including the former Act of May 6, 1882 (22 Stat. 58, chapter 126) (often referred to as the “Chinese Exclusion Act”) and a 1913 California law relating to alien-owned land, and discriminatory actions, including internment of patriotic and loyal individuals of Japanese ancestry during the Second World War, the repatriation of Filipino immigrants, and the prohibition of individuals of Asian and Pacific Island ancestry from owning property, voting, testifying in court, or attending school with other people in the United States: Now, therefore be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress condemns all prejudice against individuals of Asian and Pacific Island ancestry in the United States; and

(2) it is the sense of Congress that—

(A) no individual in the United States should stereotype or generalize the actions of an individual to an entire group of people;

(B) individuals of Asian and Pacific Island ancestry in the United States are entitled to all due process rights and privileges afforded to all individuals in the United States; and

(C) all executive agencies should act within their respective jurisdictions in accordance with existing civil rights laws.

The title was amended so as to read: “Condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States.”
Whereas approximately 520,000 children are living in foster homes, which are airborne forces have performed in important military and peacekeeping operations, wherever needed, in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia; and

Whereas the Special Olympics, together with the airborne community to celebrate August 16, 2000 (the 60th anniversary of the first official parachute jump by the Parachute Test Platoon) as “National Airborne Day”. Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2000, as “National Airborne Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

NATIONAL RELATIVES AS PARENTS DAY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 212, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 212) to designate August 1, 2000, as National Relatives As Parents Day.

Whereas approximately 520,000 children are living in foster homes, whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas “National Relatives as Parents Day” is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home; Now, therefore, be it

Resolved, That the Senate—

(1) designates August 1, 2000, as “National Relatives as Parents Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe August 1, 2000, as “National Relatives as Parents Day” with appropriate ceremonies and activities.

SUPPORTING RELIGIOUS TOLERANCE TOWARD MUSLIMS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 699, S. Res. 133.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) supporting religious tolerance toward Muslims.

Whereas the American Muslim community, comprised of approximately 6,000,000 persons—about 150,800, or 29 percent, of whom are children living in foster homes and insufficient child care, all of which jeopardize the well-being of young children and needed by children; and

Whereas discrimination against Muslims has regrettably been portrayed in a negative light in some discussions of policy issues such as issues relating to counterterrorism, abortion, and fighting terrorism in the United States;

Whereas stereotypes and anti-Muslim rhetoric have also contributed to a backlash against Muslims in some neighborhoods across the United States; and

Whereas all persons in the United States, who espouse and adhere to the values of the Constitution are guaranteed to all citizens regardless of religious affiliation; and

Whereas the United States is a secular nation, with an unprecedented commitment to religious tolerance and pluralism, where the rights of individuals and organizations that foster such intolerance create an atmosphere of hatred and fear that divides the Nation; and

Whereas the Senate acknowledges that individuals and freedoms guaranteed by the Constitution are guaranteed to all citizens regardless of religious affiliation; and

Whereas the Senate joins together with the local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Whereas the family unit is most suitable for this Nation’s lawmakers and citizens is the protection and care of children;

Whereas the most important responsibility for this Nation’s lawmakers and citizens is the protection and care of children;

Whereas in order to ensure the future success of this Nation, children must be taught values that will help them lead happy, healthy, and productive lives;

Whereas the family unit is most suitable to provide the special care and attention needed by children;

Whereas this year, many children will suffer from child abuse, neglect, poor nutrition, and insufficient child care, all of which jeopardize the well-being of young children and the opportunity for a fulfilling and successful adulthood;

Whereas the Special Olympics, together with the airborne community to celebrate August 16, 2000 (the 60th anniversary of the first official parachute jump by the Parachute Test Platoon) as “National Airborne Day”. Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2000, as “National Airborne Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) supporting religious tolerance toward Muslims.

Whereas approximately 520,000 children are living in foster homes, whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas “National Relatives as Parents Day” is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home; Now, therefore, be it

Resolved, That the Senate—

(1) designates August 1, 2000, as “National Relatives as Parents Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe August 1, 2000, as “National Relatives as Parents Day” with appropriate ceremonies and activities.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) supporting religious tolerance toward Muslims.

Whereas approximately 520,000 children are living in foster homes, whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas “National Relatives as Parents Day” is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home; Now, therefore, be it

Resolved, That the Senate—

(1) designates August 1, 2000, as “National Relatives as Parents Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe August 1, 2000, as “National Relatives as Parents Day” with appropriate ceremonies and activities.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) supporting religious tolerance toward Muslims.

Whereas approximately 520,000 children are living in foster homes, whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas “National Relatives as Parents Day” is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home; Now, therefore, be it

Resolved, That the Senate—

(1) designates August 1, 2000, as “National Relatives as Parents Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe August 1, 2000, as “National Relatives as Parents Day” with appropriate ceremonies and activities.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) supporting religious tolerance toward Muslims.

Whereas approximately 520,000 children are living in foster homes, whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas “National Relatives as Parents Day” is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home; Now, therefore, be it

Resolved, That the Senate—

(1) designates August 1, 2000, as “National Relatives as Parents Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe August 1, 2000, as “National Relatives as Parents Day” with appropriate ceremonies and activities.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) supporting religious tolerance toward Muslims.

Whereas approximately 520,000 children are living in foster homes, whom are children living in foster homes with extended family members who care for these children and provide them with a positive home environment; and

Whereas “National Relatives as Parents Day” is an appropriate occasion to recognize the dedication, compassion, and selflessness of extended family members who willingly assume the often thankless responsibility of providing a relative child with a family and home; Now, therefore, be it

Resolved, That the Senate—

(1) designates August 1, 2000, as “National Relatives as Parents Day”; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe August 1, 2000, as “National Relatives as Parents Day” with appropriate ceremonies and activities.
Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally, any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 333) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 333

Whereas the personal exemption allowance is a vital component of trade and tourism; Whereas many border communities and retailers depend on customers from both sides of the border; Whereas a United States citizen traveling to Canada or Mexico for less than 24 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States; and for trips over 48 hours United States citizens have an exemption of up to $300 worth of merchandise.

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption of only $50 worth of merchandise for a 24-hour visit, the equivalent of $200 worth of merchandise for a 48-hour visit, and the equivalent of $750 worth of merchandise for return to the United States; Whereas Canadian citizens have an exemption of only $50 worth of merchandise; and Whereas Mexican citizens have an exemption of only $50 worth of merchandise.

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane.

Whereas Canadian and Mexican retail businesses face discrimination in trade because over many American businesses because of the disparity between the personal exemption allowances among the 3 countries; Whereas the State of Maine legislature passed a resolution urging action on this matter; Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs.

Whereas states entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should take action, consistent with official policies of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels; and

(2) in the event that parity with respect to the personal exemption allowance of the 3 countries was not reached within 1 year after the date of the adoption of this resolution, the United States Trade Representative and the Secretary of the Treasury should submit recommendations to Congress to the extent that any such legislative changes are necessary to lower the United States personal exemption allowance to conform to the allowance levels established by the Governments of can~ada and Mexico with respect to the North American Free Trade Agreement.
The President of the Senate presiding. 

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate during the 106th Congress remain in status quo notwithstanding the July 27, 2000, adjournment of the Senate and the provisions of rule XXXI, paragraph 6, of the Standing Rules of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations reported by the Armed Services Committee: Nos. 660, 661, 662, 664 through 670, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Major Gen. Raymond P. Huot, 0000

To be lieutenant general

Lt. Gen. Thomas R. Cawley, 0000

IN THE ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12203:

To be major general

Brig. Gen. Alexander H. Bergin, 0000

To be brigadier general

Col. Jonathan P. Small, 0000

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 lieutenant general

Major Gen. Freddy E. McFarren, 0000

To be lieutenant general

Lt. Gen. Michael L. Dodson, 0000

IN THE NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (h) John C. Weed, Jr., 0000

Rear Adm. (h) Daniel H. Stone, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Capt. Steven E. Hart, 0000

Capt. Louis V. Isiello, 0000

Capt. Steven W. Maas, 0000

Capt. William J. Maguire, 0000

Capt. John M. Mateczun, 0000

Capt. Robert L. Phillips, 0000

Capt. David D. Pruett, 0000

Capt. Dennis D. Wooster, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Scott A. Frye, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

Air Force nominations of Michael R. Harshman, which was received by the Senate and appeared in the Congressional Record of July 29, 2000.

IN THE ARMY

Army nominations beginning *Robert S. Adams, Jr., and ending *Sharon A. West, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

Army nominations beginning Kelly L. Abbrescia, and ending Timothy J. Zelen II, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2000.

IN THE COAST GUARD

Coast Guard nominations of Elizabeth A. Ashburn, which was received by the Senate and appeared in the Congressional Record of July 18, 2000.

IN THE MARINE CORPS

Marine Corps nominations of Thomas J. Connally, which was received by the Senate and appeared in the Congressional Record of July 18, 2000.

Marine Corps nominations beginning Abdullah A. Alrabiah, and ending Daniel M. Zonavetch, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2000.

IN THE NAVY

Navy nominations beginning Roy I. Apseloff, and ending John D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

Navy nominations beginning Thomas A. Allingham, and ending John W. Zink, which nominations were received by the Senate and appeared in the Congressional Record of April 4, 2000.

Navy nominations beginning Donald M. Abramoff, and ending Charles Zingler, which nominations were received by the Senate and appeared in the Congressional Record of April 11, 2000.
TREATY ON INTER-AMERICAN CONVENTION AGAINST CORRUPTION—TREATY DOCUMENT NO. 105-39

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to consider the following treaty on today's Executive Calendar: No. 105-39. I ask unanimous consent that the treaty be considered as having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that all committee provisions, reservations, understandings, and declarations be held pending; that any statements be printed in the CONGRESSIONAL RECORD as if read; further, that the resolution of ratification is voted upon, the motion to reconsider be laid upon the table, and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, I ask for a division vote on the resolution of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolution of ratification will rise and stand until counted. (After a pause.) Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

Resolved (two-thirds of the Senators present concurring therein),

That the Senate advise and consent to the ratification of the Inter-American Convention Against Corruption, adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996, (''Treaty Dec. 105-39''), referred to in this resolution of ratification as ''the Convention'', subject to the understandings of subparagraph (a), the declaration of subsection (b), and the proviso (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) APPLICATION OF ARTICLE I.—The United States of America understands that the phrase ''at any level of its hierarchy'' in the first and second paragraphs of Article I of the Convention refers, in the case of the United States, to the levels of the hierarchy of the Federal Government of the United States, and that the Convention does not impose obligations with respect to the conduct of officials other than Federal officials.

(2) ARTICLE VII (``Domestic Law'').—

(A) Article VII of the Convention sets forth an obligation to adopt legislative measures to establish as criminal offenses the acts of corruption described in Article VI(1). There is an extensive network of laws already in place in the United States that criminalize a wide range of corruption acts. Although United States laws may not in all cases be defined in terms or elements identical to those used in the Convention, it is the understanding of the United States that the criteria described in subparagraph (B), that the kinds of official corruption which are intended under the Convention to be criminalized would in fact be criminal offenses under U.S. law. Accordingly, the United States does not intend to enact new legislation to implement Article VII of the Convention.

(B) There is no general ''attempt'' statute in U.S. federal criminal law. Nevertheless, federal statutes make ''attempts'' criminal in connection with specific crimes. This is of particular relevance with respect to Article VI(1)(c) of the Convention, which by its literal terms would embrace a single pre-emptive ''substance'' of the ''purpose'' of profiting illicitly at some future time, even though the course of conduct is neither necessarily nor necessarily corruptly accomplished. The United States will not criminalize such conduct per se, although significant acts of corruption in this regard would be generally subject to prosecution in the context of one or more other crimes.

(3) TRANSNATIONAL BRIBRY.—Current United States law provides criminal sanctions for transnational bribery. Therefore, it is the understanding of the United States of America that no additional legislation is needed for the United States to comply with the obligations imposed in Article VIII of the Convention.

(4) ILICIT ENRICHMENT.—The United States of America intends to assist and cooperate in accordance with its obligations under paragraph 3 of Article IX of the Convention to the extent permitted by its domestic law. The United States recognizes the importance of combating financial flows by public officials, and has criminal statutes to deter or punish such conduct. These statutes obligate senior-level officials in the federal government to file truthful financial disclosure statements, subject to criminal penalties. They also permit prosecution of federal public officials for income taxes on income that is required illicity. The offense of illicit enrichment as set forth in Article IX of the Convention, however, places the burden of proof on the defendant, which is inconsistent with the United States Constitution and fundamental principles of the United States legal system. Therefore, the United States understands that it is not obligated to establish a new criminal offense of illicit enrichment under Article IX of the Convention.

(5) EXTRADITION.—The United States of America shall not consider this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force, later than April 1, 2001. In such cases where the United States does not have a bilateral extradition treaty in force, that bilateral extradition treaty shall serve as the legal basis for extradition for offenses that are extraditable in accordance with this Convention.

(b) DECLARATION.—The United States of America shall not regard this Convention as the legal basis for extradition to any country with which the United States has no bilateral extradition treaty in force, later than April 1, 2001. In such cases where the United States does not have a bilateral extradition treaty in force, that bilateral extradition treaty shall serve as the legal basis for extradition for offenses that are extraditable in accordance with this Convention.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declaration:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation contained in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1991.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) ENFORCEMENT AND MONITORING.—Not later than April 1, 2001, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Convention and the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Convention to ratify and implement it.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION AND ACTIONS TO ADVANCE ITS OBJECT AND PURPOSE.—A description of the domestic laws enacted by each Party to the Convention that implement commitments under the Convention and actions taken by each Party during the reporting period, including domestic law enforcement measures, to advance the object and purpose of the Convention.

(C) PROGRESS AT THE ORGANIZATION OF AMERICAN STATES ON A MONITORING PROCESS.—An assessment of progress in the Organization of American States (OAS) toward creation of an effective, transparent, and viable Convention compliance monitoring process which includes input from the private sector and non-governmental organizations.

(2) MUTUAL LEGAL ASSISTANCE.—When the United States receives a request for assistance under Article XIV of the Convention from a country with which it has in force a bilateral treaty for mutual legal assistance in criminal matters, the bilateral treaty will provide the legal basis for responding to that request. In any case of assistance sought from the United States under Article XIV of the Convention, the United States will, consistent with U.S. laws, relevant treaties and arrangements, deny assistance where granting the assistance sought would prejudice its essential public policy interest, including the prevention of money laundering, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Convention is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-38

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on July 27, 2000, by the President of the United States:

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of Belize, signed at Belize on March 30, 2000.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

The Treaty is one of a series of modern extradition treaties being negotiated by the United States in order to counter criminal activities more effectively. Upon entry into force, the Treaty will replace the outdated Extradition Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, signed at London, June 8, 1972, entered into force on October 21, 1976, and made applicable to Belize on January 21, 1977. That Treaty continued in force for Belize following independence. This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the two countries, thereby making a significant contribution to international law enforcement efforts against serious offenses, including terrorism, organized crime, and drug-trafficking offenses.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.


REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–39

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on July 27, 2000, by the President of the United States:


I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

LETTER OF TRANSMITTAL

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico beyond 200 nautical miles. The Treaty was signed at Washington on June 9, 2000. The report of the Department of State is also enclosed for the information of the Senate.

The purpose of the Treaty is to establish a continental shelf boundary in the western Gulf of Mexico beyond the outer limits of the two countries' exclusive economic zones where those limits do not overlap. The approximately 355-nautical-mile continental shelf boundary runs in a general east-west direction. The boundary defines the limit within which the United States and Mexico may exercise continental shelf jurisdiction, particularly oil and gas exploration and exploitation.

The Treaty also establishes procedures for addressing the possibility of oil and gas reservoirs that extend across the continental shelf boundary. I believe this Treaty to be fully in the interest of the United States. Ratification of the Treaty will facilitate the United States proceeding with leasing an area of continental shelf with oil and gas potential that has interested the U.S. oil and gas industry for several years.

The Treaty also reflects the tradition of cooperation and close ties with Mexico. The location of the boundary has not been in dispute. I recommend that the Senate give early and favorable consideration to this Treaty and give it advice and consent to ratification.

WILLIAM J. CLINTON.


LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

225TH ANNIVERSARY OF UNITED STATES ARMY CHAPLAIN CORPS

Mr. THURMOND. Mr. President, today I rise to extend my unsparing support and deep appreciation to the United States Army Chaplain Corps on the occasion of its 225th Anniversary, which will occur this Saturday, July 28, 2000. Throughout the history of our Nation, the Army Chaplaincy has dedicated itself to enriching our soldiers' spiritual lives and ensuring the free exercise of religion.

Chaplains and Chaplain Assistants have demonstrated their love for their fellow soldiers by risking their lives so that their comrades might live. I would like to acknowledge these dedicated individuals who have gallantly served in the Army Chaplaincy, and who continue to selflessly minister in the face of adversity, uncertainty, and anxiety so that soldiers might be brought closer to God. By their sacrifices, Chaplains and Chaplain Assistants have proven themselves in both peril and peace to love our soldiers, our Army, and our Nation above themselves. For this, our Nation is grateful.

Again, I congratulate the United States Army Chaplains Corps for 225 years of loyal service and pray that it will continue to serve our Army until nations shall beat their swords into plowshares and war shall cease.

THE HORRIBLE VIOLENCE IN INDONESIA

Mr. ASHCROFT. Mr. President, I rise today to speak on an urgent issue of great concern to me. Over the past eighteen months, terrible violence has occurred and is still taking place in Indonesia. The Molucca Islands, focused in the provincial capital of Ambon, and no end is in sight. In this Indonesian province, religious conflict between Christians and Muslims has led to the loss of up to 10,000 lives and the displacement of up to 500,000 people. To my great dismay, the Indonesian government has had little success in protecting Christians. In the Moluccas in the last two years almost 10,000 buildings and churches have been burnt and mass killings go largely unpunished.

Since, the situation has intensified with the arrival of members of the Laskar (Jihad) Force. The Laskar Jihad is a group of over 2,000 Muslim militants who sailed to the Moluccas from the main island of Java. Efforts by the United States to keep this group out was in vain. Indonesia adhered to her open inter-island immigration policy and the group was allowed to go to the Moluccas. Due to political unrest and continuing economic depression, the police forces and military are unable or unwilling to restore order. The necessity to bring the populace under the rule of law and order has intensified due to some reports that the Muslim Jihad Force has given the Christians in the city of Ambon until July 31st to vacate the city. If they do not leave in compliance with this ultimatum, they probably will be murdered.

Mr. President, the Molucca islands, known previously as the Spice Islands, have had a long history of contact and trade with Europe. The Spice Islands...
Mr. FIEINGOLD. Mr. President, I rise today to speak about the continuing crisis in Indonesia and East Timor.

Earlier this week, a peacekeeper from New Zealand, Ianored William Manning, was killed while tracking a group of men whom senior officials in Timor have identified as militia members who had crossed into East Timor from Indonesia. Private Manning was shot while providing security for UNHCR personnel. His death is tragic, and I want to take this opportunity to express my sympathy to his family.

In the wake of this incident, the United Nations Security Council and the ASEAN Regional Forum have called on Indonesia to disband and disarm the militias operating in the refugee camps of West Timor, and to stop the militias' cross-border incursions into East Timor. But Mr. President, this call has gone unheeded for months now. It is a call that has gone unheeded.

The activities of Indonesian militias threaten the stability of Indonesia, the safety of peacekeepers and humanitarian workers, and the basic human rights of Indonesians and East Timorese. It was the militia, Mr. President, that waged a brutal campaign of violence and destruction immediately after East Timor's vote for independence. It was the militia that enjoyed the direct support of the Indonesian military throughout that operation. And it is the militia that continues to operate in the refugee camps of West Timor, where the most vulnerable East Timorese are subjected to threats and intimidation. It is the militia that has forced UNHCR to suspend operations in West Timor after a series of violent assaults on its staff.

I believe that many in the Indonesian government— including President Wahid— want to stop the militia violence and to end the intimidation in the refugee camps. But they are unable to make this happen, because too many people in powerful positions in Indonesia remain unwilling to make it happen. And that, Mr. President, is all that this country needs to know when the question of resuming military relations with Indonesia comes up.

Ominous reports of a deeply disturbing relationship between the Indonesian military and the militias continue to pour out of the region. Peacekeepers on the ground in East Timor have noted that the group that attacked Private Manning appeared to have benefited from serious and significant military training. At one point recently, UNHCR personnel witnessed militiamen beat a refugee from East Timor and rob several others while a 70-strong Indonesian military detachment witnessed the incident but did not intervene.

And it's not just Timor, Mr. President. In the Moluccas, where sectarian violence has risen to such alarming levels that many have pondered international intervention, reliable reports indicate the Indonesian military has been complicit in the conflict, and in even provided support to certain factions. In Papua, or Irian Jaya, militia groups have already taken violent action against community leaders.

The simple and unfortunate facts, Mr. President, are that a power struggle continues in Indonesia, between those committed to a responsible and professional military operating under civilian control, and those who would cling to the abusive patterns of the past. I have introduced a bill, the East Timor Repatriation and Security Act of 2000, which would codify a suspension of military and security programs from J–CETS to military sales to resume only when the President and Congress determine that the Government of Indonesia and the Indonesian Armed Forces are doing the following—

Taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

Taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of aiding or abetting militia groups;

Allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

Not impeding the activities of the United Nations Transitional Authority in East Timor;

Demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor;

Demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and military groups responsible for human rights violations in Indonesia and East Timor.

These certainly are not unreasonable conditions. They work in favor of the forces of reform within Indonesia. And by linking military and security assistance to these benchmarks, Congress will ensure that the U.S. relationship with Jakarta avoids the mistakes of the past, and that U.S. foreign policy comes closer to reflecting our core national values.

But recent events make it crystal clear that these conditions have not yet been met. Mr. President, the U.S. must continue to insist on them. In the pursuit of justice, in the pursuit of stability, and in support of the forces of reform, this country cannot send a signal to the world where we are today is somehow good enough. Again, Mr. President, I add my voice to the chorus, because U.S., Indonesian, and Timorese
interests all demand that the militias be stopped and that the military must be united in the pursuit of professionalism, accountability, and civilian control.

THE CLASS ACTION FAIRNESS ACT

Mr. GRAMS. Mr. President, I want to today announce my support for S. 353, the Class Action Fairness Act, just reported by the Judiciary Committee, and announced my intention to complement this legislation by introducing legislation soon that will require lawyers representing plaintiffs in class actions to make preliminary disclosures estimating the anticipated attorneys’ fees, and an explanation of the relative recoveries that both the attorney and class action clients can expect to receive if the claim is settled or decided favorably. My cosponsorship of the Class Action Fairness Act and intention to introduce my own legislation is prompted by some high profile class action case settlements that have generated a great deal of controversy. Labeled “coupon” settlements, these agreements have involved the class action claimants receiving coupons for discounts on purchases of goods or services while the attorneys representing the class walk away with literally hundreds of thousands of dollars, or even millions of dollars, in fees. Often these coupons are for discounts on the products or services about which the claimants in the class action.

For instance, several years ago many of the nation’s airlines were sued based upon a claim that they had fixed prices. A database that the airlines were using to communicate fares to the travel industry was suspected of being used to compare and fix fares, and a Justice Department antitrust investigation thus ensued. The Justice Department subsequently filed a civil antitrust suit in 1992 and settled the case in 1994. But firms specializing in class action cases also brought their own civil suits against the airlines on behalf of air travelers. In fact, 37 firms were involved in the plaintiff side of the litigation.

A settlement was eventually reached that provided $438 million worth of coupons to an unknown number of passengers, while the legal fees to plaintiffs’ attorneys amounted to $16 million. For the passengers’ coupons, the lawyers got cash. You may be thinking that $438 million in coupons sounds like a pretty generous amount of discounts for the passengers, but the details indicate otherwise. Each coupon was good for only a 10 percent maximum discount off an air fare. So what was being purchased was a promotional value of all these coupons going to air travelers. So what ostensibly was a high stakes civil action degenerated into a promotional tool for the airlines, a negligible recovery for the class members, and a financial boon for the attorneys.

It’s not difficult to foresee the possibility of collusion between plaintiffs’ and defendants’ attorneys when the plaintiff attorneys can get huge fees and defendants can eliminate the risk of a large judgment. It obviously is an attractive option to a defendant to settle a case and pay large fees to a small number of people—specifically the attorneys—and avoid the risk of protracted litigation and lawyers seeking a jackpot recovery. Attorneys have a fiduciary duty to represent the best interests of their clients, but it’s clear that in the cases of coupon settlement usually the primary interest served is their own.

Mr. LEAHY. Mr. President, I often hear from members of the public who feel that the United States is spending too much on “foreign aid.” Why are we sending so much money abroad, they ask, when we have so many problems here at home?

This concerns me a great deal, because it has been shown over and over again that most Americans mistakenly believe that 15 percent of our national budget goes to foreign aid. In fact it is about 1 percent. The other 99 percent goes for our national defense and to fund other domestic programs—to build roads, support farmers, protect the environment, build schools and hospitals, pay for law enforcement, and countless other things the governments does.
The United States has by far the largest economy in the world. We are unquestionably the wealthiest country. The amount we spend on foreign aid totals only a few dollars per American per year.

What does the rest of the world look like?

Imagine, for a moment, if the world’s population were shrunk to a population of 100 people, with the current ratios staving the same. Of those 100 people, 57 would be rats. There would be 21 Europeans. Fourteen would be from North and South America. Eight would be Africans.

Of those 100 people, 52 would be women, and 48 would be men. Seventy would be non-Christian, and 30 would be Christian.

Six people would possess 59 percent of the world’s wealth, and all 6 would be Americans. Think about that.

Fifty people—one half of the population—would suffer from malnutrition. 80 out of 100 would live in substandard housing, often without safe water to drink.

Seventy would be illiterate. Only 1 would have a college education. And only 1 would own a computer.

Are we spending too much on foreign aid? These statistics put things in perspective. I would suggest that there are two reasons to conclude that not only are we not spending too much, we are not spending enough.

First, we are a wealthy country—far wealthier than any other. Yes we have problems. Serious problems. But they pale in comparison to the deprivation endured by over a billion of the world’s people who live in extreme poverty, with incomes of less than $1 per day. Like other industrialized countries, we have a moral responsibility to help.

Second, it is often said, but worth repeating, that our economy and our security are linked to the economic and security of other countries. Although we call it foreign aid, it isn’t just about helping others.

These programs help us.

By raising incomes in poor countries we create new markets for American exports, the fastest growing sector of our economy.

Raising incomes abroad also reduces pressure on people to flee their own countries in search of a better life. One example of that is close to home is Mexico, where half the population survives on an income of $2 per day. Every day, thousands of people cross illegally from Mexico into the United States, putting enormous strains on U.S. law enforcement.

Foreign aid programs support our democratic allies. There are few examples in history of a democracy waging war against another democracy.

These programs protect the environment and public health, by stopping air and water pollution, and combating the spread of infectious diseases that are only an airplane flight away from our shores.

They help deter the proliferation of weapons, including nuclear, biological and chemical weapons.

These are but a few examples of how “foreign aid” creates jobs here at home, and protects American interests abroad.

The American people need to know what we do with our foreign aid, and why in an increasingly interdependent world the only superpower should be doing more to protect our interests around the world, not less.

CHANGE OF COMMAND FOR THE CHIEF OF NAVAL OPERATIONS

Mr. WARNER. Mr. president, on July 21, 2000 our colleague Senator John McCain delivered an address at the Change of Command ceremony were Admiral Jay Johnson stepped down from his distinguished career to be succeeded by Admiral Vern Clark as the 27th Chief of Naval Operations.

I was privileged to be present, together with Roberta McCain, Senator McCain’s mother, to listen to his stirring remarks to our Navy-Marine Corps men and women serving throughout the world in the cause of freedom. Our colleague has a long and distinguished career in and with our military. His heartfelt delivery was genuine and his message was inspirational. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR JOHN MCCAIN SPEECH FOR CNO RETIREMENT July 21, 2000

Thank you, Admiral Johnson, Secretary Cohen, Secretary Danzig, General Shelton, Admiral Clark, the Joint Chiefs, Medal of Honor recipients, members of Congress, members of the Naval Academy Board of Visitors, distinguished flag and general officers of the U.S. and Allied Forces, guests, families and friends. And thank you, midshipmen of the Class of 2004.

I am greatly honored to be here today, and to participate in this wonderful ceremony as the men and women of the United States Navy officially welcome their new Chief of Naval Operations, Admiral Vernon Clark, and say farewell and thank you to the man who has led us so well for more than four years, my good friend, Admiral Jay Johnson.

It has never been enough that an officer of the Navy should be a capable mariner. He must be, of course, but to do a great deal more. He should be, and I quote, “a gentleman of liberal education, refined manners, punctilious courtesy, and the nicest sense of personal honor.

For those of you who know your plebe rates, you recognize that those words were written by a man who is buried here at the Naval Academy, underneath the Chapel dome. John Paul Jones had a clear vision for the qualifications of a Naval Officer over 220 years ago, and I use that day to say that Admiral John- son and Admiral Clark not only meet, but exceed.

Admiral Johnson and I have known each other for many years. I served on the USS ORISKANY during the Vietnam War. He flew an F8 Crusader in two combat cruises, trying to finish the war so those of us who served would not have to do it again.

I am confident that for that I am extremely grateful!

Of the many lessons I learned from Viet- nam, one that I value highly is the realization that although Americans have fought valiantly in many noble causes, we are not prepared that the battles that are necessary or the field well-chosen. In the end, Americans at war, professional and conscript alike, always find their honor in their answer, if not their summons. My friend, Admi- ral Johnson found much in his answer to our country’s call to arms.

In better times, Admiral Johnson and I again worked together on behalf of the service we both want to see succeed. As a member of Congress, I have admired his meteoric rise as an Air Wing Commander, Joint Task Force and Fleet Commander. As the Vice Chief and then Chief of Naval Oper- ations, Jay’s frank counsel on issues affect- ing the defense of our country has been of great value to me, and other members of Congress.

Applying his philosophy that emphasizes Operational Primacy, Leadership, Teamwork and Pride, Admiral Johnson has guided the men of the past forty years—balancing mandated reductions in force with dramatically increased operational tasking.

He has been a champion of reform. He im- proved the Inter-Deployment Training Concept—the largest quality-of-life initiative of the past decade, by reducing at-sea time and ensuring that sailors could spend more time in port with their families. His improvements in- cluded empowering the Navy’s commanding officers by removing redundant inspections and burdensome paperwork and raising mo- bile among the sailors, while giving com- manders the opportunity to train their ships, squadrons, submarines and SEAL teams.

Admiral Johnson also led the Joint Chiefs of Staff in calling for the largest personnel pay increases in the past decade. He was the first Chief to step forward and support food stamp relief for our most needy sailors, sol- diers, airmen, and marines.

In addition, he led the charge for Pay Table Reform, which increases our sailors’ pay by $200 this month. He was instrumental in restoring full retirement pay for military retirees, and in pushing for larger increases in annual mili- tary pay raises. The dramatic improvements in this years’ defense authorization bill, which passed the Senate last week are, in large part, due to Jay Johnson’s influence.

The men and women he has commanded have responded to his outstanding leadership by performing superbly themselves in com- bat in Iraq and the Balkans. They have kept the peace and have won the wars, and for that, we are forever indebted to our sailors, soldiers, airmen, and marines and to people like Admiral Clark who has been involved in every Navy conflict over the past 32 years.

Admiral Johnson’s skill in working with people clearly reflects his close family rela- tionships. This year, Admiral Johnson was aptly deemed Father of the Year by the Na- tional Father’s Day Committee.

The Class of 1968 has asked me to announce at today’s ceremony that they have chosen Admiral Jay Johnson to be the honoree of the Class of 1968 Leadership Award that will endow a gift to the Superintendent of the Naval Academy for the Leadership and Eth- ics Curriculum. Congratulations Jay.

Admiral Clark, we welcome you and Commander of the entire fleet to your helm. I am confident that the Navy will continue to flourish under your leadership.
You have already demonstrated that the key to your strength as a leader is in supporting the people of the U.S. Navy. I was heartened to hear you openly back programs like food stamp relief for service members, and testify at your confirmation hearing this spring about the sailors that, I quote, "We know that nothing is impossible with them. We can't do readiness. We can't do success without them. And so nothing is more important to me than them." End quote.

The Navy has selected an outstanding 27th Chief of Naval Operations, another Vietnam combat veteran, a Destroyer-man who brings an outstanding breadth of command and joint leadership. Admiral, it is clear that you are more than capable of continuing the strong, insightful leadership provided by Admiral Johnson, leadership which will be required to guide the Navy with the vigilance and courage needed to implement reforms.

Forty-five years ago this August, when I was a youngster at the academy, I stood in Dahlgren Hall to hear the words of Admiral Arleigh Burke as he became the New Chief of Naval Operations. He went on to serve an unprecedented, distinguished three terms as CNO.

The uncertainties and challenges of the age we live in stand in stark contrast to the moment in which Admiral Arleigh Burke summoned his destroyer squadron and ordered them into battle against a superior Japanese fleet. They had to attack at the Bougainville coast to protect the landings in progress at Empress Augusta Bay. Defeat—a mathematical probability if not certainty—would have led to a loss of the battle and left vulnerable nearly all naval defenses of the Southern Pacific.

What compelled Admiral Burke to take what seemed such a desperate gamble by committing the little ships of Destroyer Squadron 23, the Little Beavers, against the immense strength of the Japanese fleet? What explains his firm faith in the reliability of the intelligence upon which he based the supposition of his ships and his confidence in the men who would command them in battle? How was he sure that the Americans whom he ordered into harm’s way would obey his orders and reward his trust with such courage and resourcefulness?

He believed in his people. He believed in their courage and their ability. He knew that they, like he, were empowered by the justice of their cause, by a love of America expressed in action, and in sacrifice. Trust, derived from his appreciation of his countrymen’s virtues, and his wisdom and confidence about how they would discharge their duties in a desperate battle was the essence of Admiral Burke’s extraordinary leadership.

By memorializing Admiral Burke, we memorialize the very finest virtues of our blessed country. We also pay tribute to the memorialize the very finest virtues of our blessed country. We also pay tribute to the memorialize the very finest virtues of our blessed country. We also pay tribute to the memorialize the very finest virtues of our blessed country. We also pay tribute to the

It is no coincidence that firearm casualties have been reduced by 35 percent since 1994, the year the Brady Law went into effect. The Brady Law, which requires licensed firearms sellers to conduct criminal background checks on prospective gun purchasers, has successfully kept guns out of the hands of hundreds of thousands of criminals and youths.

Although we can rejoice that fewer youths are subject to the danger of guns, we should still be dismayed that 10 of our young people (on average) die from guns every day. 10 children and adolescents as well as 74 adult Americans suffered gun-related deaths daily in 1998, and that is far too many.

Congress must do more to protect our children and loved ones from these gun tragedies. We can start by strengthening the Brady Law by closing the gun show loophole. That loophole allows perpetrators of violent crimes to buy guns from non-licensed or private sellers, who are not required to conduct criminal background checks. This loophole undermines the successes of Brady by arming those who would otherwise not be permitted to purchase firearms. In May of 1999, the Senate passed legislation to close this loophole by extending criminal background checks to guns sold at gun shows and pawn shops, but opponents of this common sense provision have kept it from becoming law.

It is disheartening to know that Congress has not yet passed sensible gun laws—laws designed to protect American lives. Without addressing this issue, America will continue to lose 10 young people a day to guns, and that is too many.

A COMPILATION OF INFORMATION ON ETHANOL ETHERS

Mr. KERREY. Mr. President, I would like to note the release of a recent publication that all members of Congress should read. This new publication was produced by the Clean Fuels Development Coalition and it includes a presentation of facts about ethanol-based ethers. As we attempt to deal with the water contamination problems resulting from leaking underground storage tanks, much of the debate is focusing on methanol-based ethers, i.e. MTBE. While MTBE has played an important role in reducing ozone throughout the U.S., the problems of water contamination have lead many to advocate limiting or even banning this product.
During this debate a few of our colleagues have expressed confusion about the technical characteristics of ethanol-based ethers, like ETBE. Some have assumed that ethanol-based ethers have characteristics identical to MTBE. As both the Senate and House examine this issue, it is important to be aware of the significant differences between the two products.

For example, ethanol is a renewable, biodegradable product. When converted into ether, ETBE has many favorable characteristics that deal with environmental concerns. The ether reacts in soil, water, and air, when compared to MTBE. In the event ETBE escapes into the atmosphere or our water supplies, it can be cleaned up much more efficiently than MTBE.

ETBE is far less persistent than MTBE and remediating technologies have shown to be very effective.

Understanding the attributes of ETBE is also important at a time when every citizen is painfully aware of our dependence on imported petroleum and the relationship of supply and price. It may be possible to use ETBE in volumes up to 22 percent in gasoline. This addition of a clean, domestic fuel could significantly impact our gasoline supply situation, particularly in our most heavily populated and polluted urban areas.

I have long been a supporter of ETBE and while there are a number of technical and market challenges remaining before switches fully commercialization, its promise is undeniable. The petroleum industry, environmental groups, ethanol producers, and the auto industry have long recognized the superior qualities of ETBE. For that promise to be realized we need to ensure that ETBE is not included in any ban or limitation of fuels that result from leaking underground storage tank problems. I commend the Clean Fuels Development Coalition for their continued support of this important fuel as well as their work to educate our own state of Nebraska which has more than a decade of experience in ETBE development.

Mr. President, at this time I would ask unanimous consent that a copy of the Clean Fuels Development Coalition fact book on ETBE be entered into the CONGRESSIONAL RECORD.

ETBE FACT BOOK

The U.S. Department of Energy’s Energy Information Administration projects U.S. Oil imports will reach nearly 70 percent of total U.S. Oil consumption by the year 2010. If new U.S. Policies are not adopted to reverse current trends or if world crude oil prices continue to escalate, there is a potential for gasoline shortages. The Petroleum Institute, the U.S. is currently dependent on foreign oil for 51.8 percent of its energy needs. Currently, 46.7 percent of the imports come from OPEC countries, with 19.1 percent originating from the Persian Gulf region.

Historically, market prices have been the primary determining the demand for cheap crude oil imports and the perceived aversion to the alternative fuels. The market price of crude oil can be very misleading because the actual costs vary greatly with its use, such as environmental and military costs. The actual cost of oil, including external costs, is estimated to be over $100 per barrel or about $3-$5 per gallon of gasoline, according to the U.S. General Accounting Office.

R. James Woolsey, former director of the Central Intelligence Agency, believes that the world’s dependence on oil from the Middle East and the Caspian Basin is one of the “greatest threats” to national security, along with attacks from rogue nations and terrorism.

According to the General Accounting Office estimates, at current capacity, fuel ethanol and other oxygenates could displace about 350,000 barrels of petroleum per day used to produce U.S. transportation fuels. The amount of petroleum that ethanol could displace would be approximately 3.7 percent of estimated U.S. Gasoline consumption in 2000.

New presidential and Congressional initiatives envision tripling these percentages by 2010.

Energy production and use accounts for 80 percent of air pollution and 66 percent of the human contribution to global warming. Gasoline obviously accounts for a majority of energy, and specifically, oil consumption. Displacing gasoline with a renewable, less toxic, clean, and more efficient fuel represents good environmental policy.

Each bushel of corn used to produce ethanol is 100 percent pure profit for the country. The ethanol plants have earned $4.00 worth of products out of a $2.25 bushel of corn, doubling its value, enriching the national economy and displacing foreign oil. This improvement in farm revenues by approximately $12 billion, adds several billion dollars, and increases the value of U.S. Grain production. In the future, emerging cellulose conversion technology will make it possible for the entire country to function as a transportation fuel producer using alternative energy crops—switchgrass in Montana, sorghum in Oklahoma, asycnacres in Louisiana, poplars in Vermont and waste biomass in New York.

In addition to stimulating the economy, ethanol helps reduce the federal deficit. The United States General Accounting Office (GAO) issued a report stating that a doubling of ethanol production would save the federal government $500 million to $600 million annually.

Despite ethanol’s benefits, it has had problems entering the U.S. Gasoline pool. Due to difficulties with transportation fuel specifications and a increase in fuel vapor pressure, ethanol blends have been used mostly in the Midwest. But there is a way to combine leaner diesel with a fuel additive that would be better accepted by the nation’s refiners—producing ethyl tertiary butyl ether, ETBE.

By combining ethanol with isobutylene, which is derived from natural gas liquids or petroleum products, ETBE offers refiners, agriculture and policy makers another avenue to get the benefits of ethanol into gasoline and minimize many of its current obstacles.

The vast majority of ethanol is sold in the Midwest region of the United States. Ethanol blends are doing a great job reducing carbon monoxide and air toxic pollution. However, the more populated cities on the East and West Coasts face tougher emission standards that are primarily based on reducing the vapor pressure of gasoline. ETBE has the lowest vapor pressure of oxygenates available in the marketplace and a high octane level. Compared to other additives, including ethanol alone, it reduces more evaporative emissions and lowers toxics and carbon monoxide. The U.S. Department of Energy found “significant benefits” to using ETBE made from biomass, especially in the Southeast.

Each gallon of ETBE displaces a barrel of imported oil and reduces the amount of oil that refiners use to make gasoline. Each gallon of ETBE helps the U.S. reduce its $52 billion oil import bill, stimulates the national economy and improves our balance of trade.

Transportation fuel has lower-valued domestic natural gas into high valued liquid fuel products can help areas of the country that have suffered from America’s dramatic decline in crude oil prices. The United States is working in cooperation with domestic natural gas producers to produce leaner domestic fuels, is a powerful combination of allies and resources.

Making ETBE can stretch our domestic fuel supplies. Using our natural gas resources to increase production of domestic refined fuels is an important part of our energy security strategy. Using natural gas as a liquid in existing vehicles will displace imported oil and reduce emissions. It will make it possible for the entire country to function as a transportation fuel producer using alternative energy crops—switchgrass in Montana, sorghum in Oklahoma, asynacres in Louisiana, poplars in Vermont and waste biomass in New York.

The idea of ETBE is not new. In an effort to reduce the dangerously high levels of pol- lutants, the French Parliament voted to have a renewable content standard for its gasoline. The choice to meet the new renewable standard—ETBE. Lyondell Chemical Company is the world leader in ETBE production technology. Other companies have also produced and sold ETBE in limited quantities in the United States. Amoco produced and sold ETBE at its Yorktown, VA, refinery for several years and marketed the blends on the East Coast. Lyondell Chemical, formerly Arco Chemical Co., the world’s largest methyl tertiary butyl ether producer, has produced ETBE several times at its MTBE plants in the U.S. In fact, all of the MTBE plants in the United States could easily convert to ETBE with minor adjustments to optimize performance.

The use of MTBE in the reformulated gasoline program has resulted in growing detections of MTBE in drinking water. The majority of these detections to date have been well below levels of public health concern. Detection at lower levels have, however, raised concern among consumers.

The EPA Blue Ribbon Panel on Oxygenates considered the fuel applications and technical characteristics of MTBE and other ethers during public sessions in 1999. The panel concluded that ETBE and other ethers have been used less widely and studied less than MTBE. The panel’s final report states that, “To the extent that they have been studies, they (other ethers) appear to have similar, but not identical, chemical and hydrogeologic characteristics. The panel recommends accelerated study of the health effects and groundwater characteristics of these compounds.”

In response to anticipated questions abut the hydrogeologic characteristics of ETBE, the Department of Chemical Engineering at the University of Nebraska conducted pre- liminary research into ETBE in water. The preliminary research suggests that ETBE’s ubiquity properties are less
than half those of MTBE. In addition, a preliminary report by the University notes that existing literature suggests a faster degradation rate for ETBE than MTBE. The Nebraska Ethanol Board and several federal agencies have proposed additional research on the properties of ETBE.

According to the Federal Phase II reformed gasolines, RVG, must deliver a four percent to seven percent reduction in NOx emissions relative to the 1990 baseline gasoline. It is similarly well suited for meeting this requirement because ETBE can reduce aromatic content in RFG. Automotive NOx emissions decrease with increasing octane with decreasing aromatics content. ETBE fills the bill on both counts.

ETBE’s higher octane—110-112 (R+M)/2—enables an RFG blender to substitute ETBE for aromatics, including benzene, as a source of RFG octane. Reducing aromatics content, in turn, reduces emissions of NOx and toxics, while improving driveability performance.

For U.S. refineries, this means more reduction—via dilution—in the levels of aromatics. ETBE has a lower sulfur, all of which are undesirable in RFG.

Petroleum use for transportation will remain one of the largest contributing factors of greenhouse emissions in the U.S. Through the year 2020, according to projections by the U.S. Department of Energy’s Energy Information Administration, petroleum will account for 42 percent of greenhouse gas emissions in the U.S., mostly for transportation use, according to the report. Total emissions from energy use will increase at an average annual rate of 1.3 percent due to rising energy demand and slow penetration of renewable, DOE said in its Annual Energy Outlook: 2020 report.

Because ETBE is made from renewable ethanol and natural gas feedstock, it is superior in reducing greenhouse gas emissions. In addition, because the use of E85 often reduces aromatics from the gasoline pool, its ability to reduce the harmful pollutants as well as greenhouse gas emissions from gasoline use is improved.

As a result of the addition of renewable ethanol, ETBE is an oxygenated fuel. In addition, ETBE has a higher octave rating and lower Reid vapor pressure, RVP, than its competitor, MTBE. ETBE blended gasoline has several benefits:

The oxygen reduces carbon monoxide emissions. The lower RVP lessens pollution that forms ozone.

Simply through volumetric displacement, ETBE reduces sulfur, toxic substance and other harmful elements of gasoline.

The high octave rating reduces the need for carboxylic hydrocarbons used to increase octane such as benzene, which cause cancers.

Due to ethanol’s positive energy balance when produced from grain (1 to 1.3) and cellulose (1 to 2), it reduces greenhouse gases. One of the primary reasons ethanol is difficult competing in the federal RFG program is that it increases the volatility of gasoline. By turning ethanol into ETBE, this concern is eliminated. ETBE’s blending properties are an excellent match for both engine and emissions performance, much better than replacing MTBE with more alkylates.

Another big ether in ETBE is its transportation. Currently in the U.S., ethanol blended gasoline cannot practically be shipped to markets via pipelines—the most common method of distribution for petroleum products. Gasoline blended with ETBE is compatible with the current gasoline distribution system, can be piped and stored with less risk of reducing the transportation and storage costs associated with ethanol usage.

ETBE can be blending at volumes of up to 17 vol%, with the possibility of the maximum blending being increased to 22 vol%, while straight ethanol is capped at 10 vol% and MTBE is limited to 15 vol%. This means that blending gasoline with ethanol can stretch our nation’s gasoline supply further. The higher allowable volume of ETBE means:

ETBE blends may prove to be the most cost-effective means of bringing the use of alternative fuels to the market place, consistent with national energy policy.

ETBE blends contain more volume derived from renewable sources than MTBE. While ethanol plays an important role in the federal RFG program, its use is mostly confined to the few RFG areas in the Midwest. Through ETBE, ethanol use could expand to play a larger role in the RFG program as a whole.

IF ETBE could capture only a small portion of the U.S. Gasoline market—for example a percentage of the RFG demand in the Northeast, where little of no ethanol is currently used—the increase in ethanol used in gasoline would be significant.

As much as 350 million gallons of new ethanol demand would be created if just 60 percent of the oxygenates used in the eight states covered by the Coordinated Air Management Plan were to use ETBE.

Along with the increase in ethanol use comes a likely increase in corn demand to produce the ethanol. More than 140 million bushels of corn would be required to meet the aforementioned ETBE demand.

ETBE has been in commercial production in Europe since the early 1990s. While France is the European leader for both the production and consumption of ETBE, other European countries are consuming ETBE. European policymakers prefer ETBE to MTBE because of its overall greenhouse gas reductions that come from its renewable ethanol content. ETBE is preferred over ethanol by European refiners because of better logistics and improved gasoline and driveability quality.

In addition, more ethanol demand is expected with the new cleaner-burning fuel legislation taking effect in 2000 and 2005. Other countries with similar requirements are China, Japan, Korea, Australia and Europe.

The Clean Fuels Development Coalition is a non-profit organization dedicated to the development of alternative fuels and technologies to improve air quality and reduce U.S. Dependence on imported oil. The broad federal Refiner’s Energy Policy and Economic Act (EPEPA)修改 by the Indonesian military in East Timor and the lack of accountability for them, and the Indonesian military’s continued ties to militias in West Timor, one must ask not only the questions why we are so eager to re-engage with this military at all, but why we feel compelled to do so now.

Now is not the time to conduct joint exercises with the Indonesian military; now is the time to demand its accountability. Otherwise, it is to tacitly condone its conduct.

Conditions continue to deteriorate in East Timorese refugee camps in West Timor and throughout the Indonesian archipelago. Up to 125,000 East Timorese have been living in overcrowded refugee camps in West Timor almost one year after the people of East Timor voted overwhelmingly for independence from Indonesia. Many of the refugees wish to return home but are afraid to do so.

Today refugee camps remain highly militarized, with East Timorese members of the Indonesian military living among civilian refugees. And despite promises by the Indonesian government to disarm and disband militias, there are credible reports of Indonesian military and militia groups. These same militias have easy access to modern weapons. Earlier this month the U.N. High Commissioner on Refugees had to suspend refugee registration indefinitely due to violent militia assaults on its staff, volunteers and refugees, and though UNHCR has continued its work in other areas, UNHCR and other aid workers continue to work under extremely dangerous conditions.

The administration has also been upsurge in militia border incursions into East Timor with attacks on U.N. Peacekeepers and civilians. I regret to say that earlier this week a peacekeeper from New Zealand was shot and killed. Militia leaders, the Indonesian military, and the West Timorese press continue to sponsor a mass disinformation campaign alleging horrific conditions in East Timor and abuse by international forces.

Further, Indonesia has yet to arrest a single militia leader or member. The U.S. military continues to conduct military exercises and allow the sale of certain
spare military parts, the Administration should increase its pressure on the government of Indonesia to fulfill past promises to disarm and disband militias in West Timor, and insure today that the Indonesian military is not linked to such militias. Militia leaders must be removed from leadership positions and those accused of human rights violations must be held accountable. Furthermore, Indonesia must make real its pledge to provide international and local relief workers safe and full access to all refugees.

There is currently considerable unrest throughout the Indonesian archipelago. Reports abound about the direct involvement of the Indonesian military in much of the violence. In the past nineteen months thousands of people in Maluku, also known as the Moluccan Islands, have been killed in fighting between Christians and Muslims. It is known that members of the Indonesian military supported and, in some cases, caused the violence. On July 18, Indonesia’s Minister of Defense Juwono Sudarsono admitted that there were “some or even many” army members who have become a “major cause of clashes” in Ambon. Credible human rights organizations also report an escalation of violence in West Papua with the Indonesian military actively supporting East Timor-style militias there. Moreover, the Indonesian military has repeatedly broken a cease-fire in East Timor.

Conditions in Indonesia are deteriorating. On Sunday U.N. Secretary General Kofi Annan told Indonesia’s President Wahid that U.N. peacekeepers may be needed for the archipelago but President Wahid said his government could end the conflict by itself. He did note, however, that Indonesia’s overstretched military might need logistical aid from friendly countries such as the United States. I worry that the Indonesian government’s promise to make re-initiate militia ties with Indonesia is sending the wrong signal to President Wahid. It should be made very clear to President Wahid that the U.S. will not provide assistance to Indonesia to do what it did before in East Timor.

Although I believe we should support Indonesia, we must recognize that the type of support we provide will directly influence the shape Indonesia takes in the future. Resuming a military relationship now not only threatens any future reforms in Indonesia but jeopardizes efforts already made to subjugate the Indonesian military to civilian authority. U.S. policy towards Indonesia should support democratic reform and demand accountability for those responsible for human rights violations in East Timor and elsewhere. I fail to see how the CARAT exercise or lifting the embargo on military sales to Indonesia does either.

Mr. KERREY. Mr. President, I rise to talk about inter-generational issues related to Federal budget spending. We will never have a better time to consider such issues as inter-generational equity than now during a time of large projected surpluses. These large projected surpluses provide us with a great deal more flexibility in choosing among priorities and in determining our legacy to future generations.

Until recently, we were not so lucky. For more than thirty years, the budget deficit absorbed from the Congressional Budget Office and the Office of Management and Budget were a source of growing despair for the American people. As each year went by, CBO and OMB would present worse news: larger deficits, larger national debt levels, and larger net interest payments. As the government’s appetite for debt expanded, fewer and fewer dollars were available for private investment.

In the beginning, experts explained that deficits were a good thing because they stimulated economic growth and created jobs. Over time, however, the voices of experts opposed to large deficits grew louder; they argued that deficits caused inflation, increased the cost of government, and endangered our economic future—just at the time when we needed to be preparing for the retirement of the large Baby Boom generation. As the opinions of the experts shifted, so did public opinion.

During the 1980s and 1990s, the federal deficit became public enemy number one. Great efforts were made to understand it, to propose solutions to reduce it, and to explain how much better life would be without it. During election seasons, we promised, once we were elected, to get rid of the deficit and pay off the national debt. Editorial page writers reached deep into their creative reservoir to coin new phrases and create new metaphors to describe the problem. Books were published. Nonprofit organizations were created. Constitutional amendments were called for. There was even a new political party created on account of the deficit.

I favor all of these things to varying degrees, as I suspect most of you do. The trick is to find the right balance among these initiatives. In finding the right balance, I believe one of the most important criteria in determining how to use these surpluses should be measuring inter-generational equity. An increasingly larger proportion of our spending is used for mandatory spending programs compared to discretionary spending programs. These numbers have important implications for the measurement of inter-generational equity.

Now that we have constrained spending and eliminated our budget deficits, the budget debate has shifted to questions about how to spend the surplus: on debt reduction, on tax cuts, on education, on infrastructure, on fixing Social Security, or on creating a new Medicare prescription drug benefit? I favor all of these things to varying degrees, as I suspect most of you do.
as much as people over the age of 65 as on children under the age of 18.

Even when we consider that states are the primary funders of primary and secondary education, the combined level of State and Federal spending still shows a dramatic contrast in spending on education. At the state and Federal level, we are still spending 2.5 times the amount of money on people over the age of 65 as on children under the age of 18.

Given the facts, it might seem logical that most of the current proposals for spending surplus dollars would be for investments in our children. Instead, this Congress has been proposing and voting to spend a major portion of the surplus on the most politically organized voting bloc in the nation—those over the age of 65.

In the Senate alone, we have either acted on, or are expected to act on, the following proposals which directly benefit seniors only:

- Eliminating the Social Security earnings test for workers over the age of 65 (10-year price tag: $23 billion)
- Allowing military retirees to opt out of Medicare and into "TriCare or FEHBP" (10-year price tag: $90 billion)
- Creating a universal Medicare prescription drug benefit for seniors (10-year price tag: $300 billion)
- Medicare provider "give-backs" package (10-year price tag: $40 billion)
- Increasing the Federal income tax exemption for Federal Social Security beneficiaries (10-year price tag: $125 billion)
- If Congress actually enacted all of these popular provisions into law, spending for seniors over the next 10 years would increase by $578 billion—an amount equivalent to this year's entire discretionary spending budget.

At the same time as we are proposing, voting in favor of, and enacting legislation to improve benefits and tax cuts for seniors, over the next 10 years we will be lucky if legislation passed that will only spend an additional $10 billion on children under the age of 18.

Why? The answer is not simply because seniors are politically organized voters and children are not. We also have to look at how most programs for seniors are funded versus programs for children. As the members of the Senate are well aware, most programs for seniors are funded through mandatory/entitlement spending. Spending increases in these programs are not subject to the annual appropriations process and are protected by automatic cost-of-living-adjustments (COLA) each year.

The spending programs that primarily benefit our children, on the other hand, are discretionary, which means they are subject to the annual appropriations process. There are no automatic spending increases when it comes to programs for our kids. Instead, most programs for kids are held hostage to political spending caps.

As a result, the proportion of Federal government spending on mandatory versus discretionary spending has undergone a dramatic shift. Back in 1965, the Federal government spent the equivalent of 6% of GDP on mandatory entitlement programs like Social Security and 12% of GDP on discretionary funding items like national defense, education, and public infrastructure. But now, one-third of our budget funded entitlement programs and two-thirds of our budget funded discretionary spending programs.

The situation has now reversed. Today, we spend about two-thirds of our budget on entitlement programs and net interest payments and only one-third of our budget on discretionary spending programs.

I am particularly troubled by the decline in spending on discretionary spending initiatives. Although our tight discretionary spending budget caps were a useful tool in the past for eliminating deficits and lowering debt, they are not useful today in helping us address the needs of the nation. Today, appropriated spending is contained through spending caps that are too tight for today's economic reality. We are left with a discretionary budget that bears little relationship to the needs of the nation and that leaves us little flexibility to solve some of the big problems that still need to be addressed: health care access for the uninsured, education, and research and development in the areas of science and technology.

The downward pressure on discretionary spending will become worse during the retirement of the Baby Boom generation—when the needs of programs on the mandatory spending side will increase dramatically. The coming demographic shift towards more retirees and fewer workers is NOT a "pig in a python" problem as described by some commentators whose economies are usually better than ours. The ratio of workers needed to support each beneficiary does not increase after the baby boomers have become eligible for benefits. It remains the same.

In 10 years, the unprecedented demographic shift toward more retirees will begin. The number of seniors drawing on Medicare and Social Security will nearly double from 39 million to 77 million. The number of workers will grow only slightly from 137 to 145 million. The ratio of workers to beneficiaries in the education and training of our youth, we will have no choice but to continue the terrible process of using H-1B visas to solve the problem of a shortage of skilled labor.

One of the least understood concepts regarding Social Security and Medicare is that neither is a contributory system with dedicated accounts for each individual. Both are inter-generational contracts. The generations in the workforce agree to be taxed for the benefit of future beneficiaries in exchange for the understanding that they will receive the same benefit when eligible. Both programs are forms of social insurance—not welfare—but both are also transfer payment programs. We tax one group of people and transfer the money to another.

The proportion of spending on seniors—and the proportion of mandatory spending—will most probably increase as the baby boomers become eligible for transfer payments. Unless we want to raise taxes substantially or accrue massive amounts of debt, much of the squeeze will be felt by our discretionary spending programs. The spiral of increasing investments in children and in the future workforce will continue. Our government will become more and more like an ATM machine.

What should we do about this situation?

I recommend a two step approach. Step one is to honestly assess whether we can "cut our way out of this problem". Do you think public opinion will permit future Congresses to vote for reduction in the growth of Medicare, Social Security, and the long-term care portion of Medicaid? At the moment my answer is a resounding "no". Indeed, as I said earlier, we can currently head in the opposite direction.

Step number two is to consider whether it is time for us to rewrite the social contract. The central question is this: Do the economic and social changes that have occurred since 1965 justify a different kind of safety net? I believe they do. I believe we need to rewrite the contract between Americans and the Federal government in regards to retirement income and health care.

We should transform the Social Security program so that annual contributions lead all American workers—regardless of income—to accumulate wealth by participating in the growth of the American economy. Whether the investments are made in low risk instruments such as government bonds or in higher risk stock funds, it is a mathematical certainty that fifty years from now a generation of American workers could be heading towards retirement with the security that comes with the ownership of wealth—if we rewrite the contract to allow them to do so.

Not only should we reform Social Security to allow workers to personally invest a portion of their payroll taxes, but we should also make sure those accounts are also protected so that low and moderate income workers can save even more for their retirements. At the same time, it is important to make the traditional Social Security benefit formula even more progressive so that protections against poverty are even stronger for our low income seniors. Finally, it is important to change the law so that we can keep the promise to all 270 million current and future beneficiaries—and that will mean reforming the program to restore it to a policy over the long term.

In addition to reforming Social Security, we should end the idea of being uninsured in this nation by rewriting
our Federal laws so that eligibility for health insurance occurs simply as a result of being a citizen or a legal resident. We should fold existing programs—Medicare, Medicaid, VA benefits, FEHBP, and the income tax deduction system—into one. And we should subsidize the purchase of health insurance only for those who need assistance. Enacting a Federal law that guarantees health insurance does not mean we should have socialized medicine. Personally, I favor using the private sector as much as possible—even though there will be situations in which only the government can provide health care efficiently.

One final suggestion. With budget projections showing that total Federal spending will fall to 15.6% of GDP by 2010, I urge my colleagues to consider setting a goal of putting aside a portion of the surplus—perhaps an amount equivalent to one-half to one percent of GDP—for additional discretionary investments that will improve the lives of our children both in the near future and over the long term—investments in education, research and development, and science and technology.

Mr. President, I yield the floor.

U.S. STRATEGIC INTERESTS IN ASIA

Mr. BIDEN. Mr. President, following the recent G-8 meeting in Okinawa and as we move closer to a vote on Permanent Normal Trading Relations with China, I want to briefly remind my colleagues of the importance of having a regional strategy for Asia.

There is a tendency to look at the Korean situation, the relationship between Taiwan and China, our presence in Japan, our presence in Guam, the situation in Indonesia, and so on as independent problems. Or, to just react to or comment on a situation at a time, with no long-term perspective as we approach that debate and the debate on China’s trade status with an awareness of the interests of the regional powers and an awareness of our national security interests both today and in the future.

I ask unanimous consent that the letter from General Jones be printed in the RECORD following this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. Joseph R. Biden, Jr.,
Ranking, Committee on Foreign Relations, U.S. Senate, Washington, DC.

Dear Senator Biden,

As the G-8 Summit approaches, the eyes of the world have turned to the Pacific island of Okinawa. Opponents of U.S. military presence there may seize the opportunity to promote their cause. I am well acquainted with the island, having visited it frequently, and wish to convey to you my sincere belief in its absolute importance to the long-term security of our nation.

Okinawa is strategically located. The American military personnel and assets it maintains maintain the stability of the Asia-Pacific region and to fulfillment of the U.S.-Japan bilateral security treaty. Okinawa’s central location between the East and Pacific Oceans, astride major trade routes, and close to areas of vital economic, political, and military interest make it an ideal forward base.

From it, the U.S. can favorably shape the environment and respond, when necessary, to contingencies spanning the entire operational continuum—from disaster relief, to peacekeeping, to war—in a matter of hours, days or weeks.

We have long endeavored to minimize the impact of our presence. Working hand in hand with our Okinawan hosts and neighbors, we have made significant progress. In 1996, an agreement was reached for the substantial reduction, consolidation, and realignment of U.S. military bases in Okinawa. Movement toward full implementation of the actions mandated by the Special Action Committee on Okinawa Final Report continues and the impact of our presence is unabated.

Recent instances of misconduct by a few Americans in Okinawa have galvanized long simmering opposition to our presence. While those incidents are deplorable, they are fortunately uncommon and do not reflect the full nature of our presence.

Often lost in discussions of our presence on Okinawa, are the positive aspects of that presence. We are good neighbors: our personnel are actively involved in an impressive variety of community service work, we are the island’s second largest employer of civilians, we infuse over $1.4 billion dollars into the local economy annually, and most importantly, we have made significant progress. In 1996, an agreement was reached for the substantial reduction, consolidation, and realignment of U.S. military bases in Okinawa. Movement toward full implementation of the actions mandated by the Special Action Committee on Okinawa Final Report continues and the impact of our presence is unabated.

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Often lost in discussions of our presence on Okinawa, are the positive aspects of that presence. We are good neighbors: our personnel are actively involved in an impressive variety of community service work, we are the island’s second largest employer of civilians, we infuse over $1.4 billion dollars into the local economy annually, and most importantly, we are sincerely grateful for the important contributions to attainment of our mission made by the people of Okinawa. We are mindful of our presence.

It is worth remembering that U.S. presence in Okinawa came at great cost. Battle raged on the island for three months in the waning days of World War II and was finally won through the valor, resolve, and sacrifice by what is now known as our greatest generation. Our losses were heavy: twelve thousand killed and tens of thousands wounded. Casualties for the Japanese and for Okinawan civilians were even greater. The price for Okinawa had indeed just. Its capture in 1945, however, was the quick resolution of the Pacific War and our presence there in the following half a century has measurably contributed to the protection of U.S., Japanese, and regional interests.

As you well know, challenges to military basing and training are now routine and solutions to address those concerns are sorely limited. Okinawa, in fact, is invaluable. We fully understand the legitimate concerns of the Okinawan people and we will continue to work closely with them to forge mutually satisfactory solutions to the issues that we face. We are now, and will continue to be, good neighbors and custodians for peace in the region.

Very Respectfully,

James L. Jones,
General, Commandant of the Marine Corps.

THE INNOCENCE PROTECTION ACT OF 2000

Mr. LEAHY. Mr. President, at the beginning of this year, I spoke to the Senate about the breakdown in the administration of capital punishment across the country and suggested some solutions. I noted then that for every 7 people executed, 1 death row inmate has been shown some time after conviction to be innocent of the crime.

Since then, many more fundamental problems have come to light. More court-appointed defense lawyers who have slept through trials in which their client has been convicted and sentenced to death; more cases—43 of the last 131 executions in Texas according to an investigation by the Chicago Tribune—in which lawyers who were disbarred, suspended or otherwise being disciplined for ethical violations have been appointed to represent people on trial for their lives; cases in which prosecutors have called for the death penalty based on the race of the victim; and cases in which potentially exculpatory evidence has been destroyed or withheld from death row inmates for years.

So I have also heard from the National Committee to Prevent Wrongful Executions, a blue-ribbon panel comprised of supporters and opponents of the death penalty, Democrats and Republicans, including six former State and Federal judges, a former Federal Public Defender, two former State Attorneys General, and a former Director of the FBI. That diverse group of experts has expressed itself to be "united in [its] profound concern that, in recent years, and around the country, procedural safeguards and other assurances of fundamental fairness in the administration of capital punishment have been significantly diminished."

I have been working with prosecutors, judges and defense counsel, with death penalty supporters and opponents, and with Democrats and Republicans, to craft some basic commonsense reforms. I could not be more proud of the bipartisan support that has been shown for the legislation I have introduced: the INNOCENCE PROTECTION ACT OF 2000.

The two most basic provisions of our bill would encourage the State to at
least make DNA testing available in the kind of case in which it can determine guilt or innocence and at least provide basic minimum standards for defense counsel so that capital trials have a chance of determining guilt or innocence by means of the adversarial testing of evidence that should be the hallmark of American criminal justice.

Our bill will not free the system of all human error, but it will do much to eliminate errors caused by the willful blindness to the truth that our capital punishment system has exhibited all too often. That is the least we should demand of a justice system that puts people’s lives at stake.

I have been greatly heartened by the response of experts in criminal justice across the political spectrum to our careful work, and I would like to just highlight one example. A distinguished member of the Federal judiciary, Second Circuit Judge Jon O. Newman, has suggested that America’s death penalty laws could be improved by requiring the trial judge to certify that guilt is certain. I welcome Judge Newman’s thoughtful commentary, and I ask unanimous consent that his article, which appeared in the June 25th edition of the Hartford Courant, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEAHY. It is my hope that the national movement on the death penalty will continue, and that people of good conscience—both those who support the death penalty and those who oppose it—will join in our effort to make the system more fair and so reduce the risk that innocent people may be executed.

EXHIBIT I

[From the Hartford Courant, June 25, 2000]

REQUIRE CERTAINTY BEFORE EXECUTING

(by Jon O. Newman)

The execution of Gary Graham demonstrated beyond a reasonable doubt that the death penalty has a deterrent effect. The reduction of murders in Texas under Governor Ann Richards demonstrates that重庆 and then a jury’s selection of the death penalty. In deciding both guilt and the death penalty, the jury must be persuaded beyond a reasonable doubt. That is a high standard, as high as the standard that judges should impose unless the trial judge certifies that the evidence establishes the defendant’s guilt to a certainty.

Experience has shown that in some cases juries have concluded beyond a reasonable doubt to convict and vote the death penalty even though the defendant is innocent. The most common reason is that one or more eyewitnesses said they saw the defendant commit the crime, but it later turned out that they were mistaken, as eyewitnesses sometimes are.

But even if the eyewitness testifies that the defendant did it, that is sufficient evidence for a jury to find guilt beyond a reasonable doubt, and neither the trial judge nor the appellate court can reject the defendant’s plea of innocence. It is also time to correct that error.

Second, we should prevent people on the verge of gaining legal permanent resident status from being forced to leave their jobs and their families for lengthy periods in order to complete the process. U.S. law allowed such immigrants to remain in the country until 1997, when Congress failed to renew the provision. It is now time to correct that error.

Third, we should allow people who have lived and worked here for 14 years or more, contributing to the American economy, to adjust their immigration status. This principle has been a part of American immigration law since the 1920s and should be updated now for the first time since 1920s.

Vice President Gore shares these priorities, as reflected in a letter he wrote on July 26 to Congresswoman Lucille Roybal-Allard. In this letter, he endorses an increase in the number of H-1B visas and each of the three proposals I have outlined briefly here today. The Vice President’s position on this issue is the right position, and it is the compassionate position. I urge the Senate to take up S. 2912, the Latino and Immigrant Fairness Act—a bill that would accomplish each of the three immigration goals I have just discussed—and pass it without further delay.

I ask unanimous consent that the letter be printed in the RECORD, without objection. The letter was ordered to be printed in the RECORD, as follows:


Hon. Lucille Roybal-Allard, Member of Congress, Washington, DC.

DEAR LUCILLE: As Congress concludes this work period, with few legislative days left this session, I want to communicate my continued support for legislation addressing fairness for legal immigrants.

America’s economic priority stems in large part from the hard work of American workers and the innovation offered by American firms. As a result of the longest period of economic growth in our history, it is not surprising that we have achieved record low levels of unemployment. This positive employment picture is especially true among highly skilled and highly educated workers. In some sectors of the economy, there appears there may be genuine shortages of highly skilled workers necessary to sustain our economic growth. As a result, our Administration has offered a series of proposals aimed at dramatic improvements in the education and training of American workers. These proposals ought to be enacted by the Congress to assure that any gap between worker skills and employer needs is addressed comprehensively.

I recognize that periodically American industry requires access to the international labor market to maintain and enhance our global competitiveness, particularly in high-growth new technology industries and tight labor markets. For these reasons, I support legislation to make reasonable and temporary increases to the H-1B visa cap to address industry’s immediate need for high-skilled workers. However, this increase must also include significant labor protections for workers and a significant increase in H-1B application fees to fund programs to prepare American workers—especially those from under-represented groups—to fill these and future jobs.

In addition, I support measures that provide fairness and equity for certain immigrants already in the United States. There is no reason that Congress cannot pass more foreign temporary workers into this country to meet employers’ needs. I urge Congress to correct two injustices currently affecting America’s immigrants. First, I urge Congress to pass the American Competitiveness Act to allow any immigrants already in the country to remain in the country. Second, I urge Congress to pass the American Competitiveness Act to allow any immigrants already in the country to remain in the country.

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Administration priorities—providing parity to Central Americans and Haitians under NACARA and changing the registry date to allow certain long-term migrants to adjust to legal resident status. These proposals are much-needed and would restore fairness to our immigration system and American families. The registry date and the Central American and Haitian Parity Act proposals would provide good people who have developed ties to this country—families, homes, and roots in their communities—the opportunity to adjust their status. I am extremely disappointed that many in the Congressional majority seem intent on refusing to vote on these important immigration provisions. One way or another, however, the Congressional majority has an obligation to allow a vote on these issues and pass these measures of basic justice and fairness. The immigrants and their families who would benefit from the registry date proposal have been in immigration status for up to two decades and are in desperate need of a resolution to their efforts to become full members of American society. In the case of Central Americans and Haitians, the only provision would not only provide compassion and fairness for the affected immigrants, but also contribute to the stability and development of democracy and peace in their native countries.

I also urge Congress to pass and fund other Administration priorities that would address the needs of our veterans. Reinstatement of section 205(i) would allow families to stay together while an adjustment of status application is pending. The Administration's FY 2001 budget proposal would fund programs to ensure that immigrants' services have the resources needed to reduce the backlog of applications from people seeking naturalization and adjustment of status.

Finally, I urge Congress to fully fund the Administration's $75 million request for the English Literacy and Lifeskills Initiative that will allow communities to provide more English language courses that are linked to civics and lifeskills instruction to adults with limited English language proficiency. Immigrants are eager to learn English and all about civic responsibility, but the demand for programs outweighs the supply. We provide opportunities for these new Americans to become full participants in our society.

For these reasons, Congress should consider these legislative proposals and fund the programs we requested. I commend your leadership in this area, and I look forward to working closely with you to enact these important immigration measures.

Sincerely,

AL GORE.

65TH ANNIVERSARY OF THE SOCIAL SECURITY PROGRAM

Mr. LEVIN. Mr. President, for more than 60 years, the Social Security program has stood as one of the most successful governmental initiatives this country has ever witnessed. August 14, 2000 marks the 65th anniversary of the Social Security Act, signed by President Franklin D. Roosevelt in 1935. This historic event in 1935 changed the face of America by providing protections for retired workers and for those who face loss of income due to disability or death of the family breadwinner. We must look to the future to ensure a strong Social Security program for every individual in America.

During the time of the Great Depression, jobs were scarce and many were unable to compete for new employment. President Roosevelt recognized that a change was needed, he called for reform and the Social Security Act was born.

Social Security has changed remarkably over the past 65 years. Under the 1935 law, Social Security only paid retirement benefits to the primary worker. A 1939 change in the law added survivor benefits and benefits for the retiree's spouse and children. In 1956 disability benefits were added. Thus, we have seen how Social Security has grown to meet the needs of not only retirees, but also their families.

For many Americans, Social Security has become a crucial component of their financial well-being. In fact, an estimated 42% of the elderly are kept out of poverty because of their Social Security checks. Today more than 44 million people receive retirement, survivor, and disability benefits through the Social Security program. 1.6 million new beneficiaries join Social Security each year. Social Security has had an enormous effect on the lives of millions of working Americans and their families.

As we celebrate this historic event, we remember what America was and how Americans have shaped our country into the prosperous nation that it is today. Since 1935 Social Security has served the American people well and will continue to do so into the future.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who 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 name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today:

July 27: Jesus Campos, 19, Chicago, IL; Steven Conley, 29, Memphis, TN; Stephen Daniels, Jr., 24, Miami-Dade County, FL; Willie G. Dulaney, 68, Memphis, TN; George Julian, 83, Hollywood, FL; Javier Marrero, 18, Chicago, IL; Charles Oliver, 50, Atlanta, GA; Deondra Stokes, 21, Detroit, MI; Barreto P. Williams, 26, Chicago, IL; Unidentified male, 25, Newark, NJ.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

WELCOMING ZELL MILLER TO THE U.S. SENATE

Mr. REID. Mr. President, today we welcome a new colleague to this body, former Governor, now Senator ZELL MILLER. We welcome Senator MILLER at the same time that we mourn the passing of his predecessor, PAUL COVERDELL. So it is a bittersweet moment.

ZELL MILLER isn't replacing PAUL COVERDELL. He can't be replaced, rather, I prefer to think he is following the footsteps of a consummate and formidable legislator. I worked closely with Senator COVERDELL to move legislation when people thought their legislation hadn't been moved. And I look forward to working with Senator MILLER in that same vain.

In thinking about what I would say about Senator MILLER's arrival to the Senate, I ran across a quote by the great Senator J. William Fulbright. He talked about what it takes to be both a legislator and an executive and I think it is a fitting characterization of the work of both PAUL COVERDELL and ZELL MILLER.

Fulbright said: "The legislator is an indispensable guardian of our freedom." "It is true," he said, "that great executives have played a powerful role in the development of civilization, but such leaders appear sporadically, by chance. They don't appear when they are most needed. The great executives have given inspiration and push to the advancement of human society, but it is the legislator who has given stability and continuity to that slip and painful process." ZELL MILLER, to borrow Senator Fulbright's eloquent words, appeared in Georgia when he was most needed. As Governor, he advanced the prospects of the people of Georgia by creating the HOPE scholarship program. The initiative was so successful that President Clinton and the Congress made the HOPE scholarship initiative a national program. As a result, not only do Georgians have the opportunity to pursue their dreams through higher education, so do millions of Americans.

Looking at his career, you learn that ZELL MILLER also understands Sam Rayburn's dictum that "you cannot be a leader, and ask other people to follow you, unless you know how to follow too." Whether it was his service in Marine Corps, his tenure in the Georgia State Senate or as Lieutenant Governor or Governor, he learned leadership following those who walked before him and then by focusing on what matters most to the American people. The central focus of ZELL MILLER's career has been on what he aptly calls "kitchen table issues." The issues that affect the daily lives of the American people—education, taxes, crime, and health care.

Some may be surprised to learn that ZELL is fulfilling a childhood ambition of serving in the U.S. Senate. According to a recent news report, he wrote to his boyhood friend, Ed Jenkins, in their high school yearbook that "we will be friends forever until and unless you decide to run against me for the
U.S. Senate.” His friendship with Ed Jenkins, someone with whom I served in the House, is still intact, and ZELL will start a new chapter in what has been an extraordinary career.

Finally, Mr. President, ZELL brings the stature of both a legislator and an executive to the Senate and I believe they will serve him well. And like Paul Coverdell, who through his work brought stability and continuity to the Senate, I know that ZELL will bring great credit to this institution and will serve the people of Georgia well. We welcome him to the U.S. Senate.

H-1B VISAS

Mr. WARNER. Mr. President, I rise today to express my frustration over the inability of the Senate to reach a unanimous consent agreement in regard to legislation that addresses the critical shortage of highly skilled workers in the information technology fields. On April 11, 2000, the Senate’s Judiciary Committee favorably reported out S. 2045, The American Competitiveness Act, and I was pleased to be an original cosponsor of this important legislation. Unfortunately, this legislation is now being held hostage because some of my colleagues in the Senate wish to attach unrelated amendments to the bill.

There are very few remaining days left in this Congress. Before Congress adjourns for the year, we must pass the remaining appropriations bills and have them signed into law. In addition, legislation extending Permanent Normal Trade Relations with China, and legislation reauthorizing the Elementary and Secondary Education Act, must be considered. Consequently, there simply is not enough time for the Senate to debate numerous unrelated amendments on the H-1B visa bill.

Mr. President, our country’s burgeoning economy has resulted in an extremely low unemployment rate nationwide. While I am proud of our economy, and our low nationwide unemployment rate, there does exist a tight labor market in many fields, especially the information technology fields. One need only look in the classified section of the Washington Post to see how many high-tech jobs are available in Northern Virginia. This tight labor market makes it difficult for the high-tech industry to fill job openings, and this difficulty is compounded by the fact that our American education system, for one reason or another, is not producing enough individuals with the interest and skills for employment in the information technology fields. If these jobs are not filled, our economy will suffer, and these American companies will move overseas to fill their jobs.

In 1998, Congress and the President recognized the serious effects that the tight labor market could have on the high-tech industry and our economy. In that year, Congress passed, and the President signed into law, legislation increasing the annual ceiling for admission of H-1B nonimmigrants from 65,000 to 115,000 in fiscal year 1999 and fiscal year 2000, and 107,500 in fiscal year 2001. This 1998 act also imposed a $500 per visa fee to fund training and scholarships for U.S. workers and students.

Nevertheless, despite increasing the H-1B ceiling just two years ago, that increase has proved to be woefully inadequate. In 1999, the H-1B visa ceiling was reached at the end of 9 months. This fiscal year, the ceiling was reached 6 months into the fiscal year. The effect of the H-1B ceiling being reached before the year’s end is that these jobs will remain unfilled, which in turn will only hurt our economy.

The Senate Judiciary Committee Report on S. 2045 states that the, “shortage of skilled workers throughout the U.S. economy will result in a 5-percent drop in the growth rate of the GDP. That translates into approximately $100 billion in lost output, nearly $1,000 for every American.” The Committee cites other studies that indicate that a shortage of information technology professionals is costing the U.S. economy as a whole $105 billion a year. It also found Federal Reserve Chairman Alan Greenspan’s testimony before the Senate’s Banking Committee quite compelling. Mr. Greenspan endorsed S. 2045 in response to a question from Senator Phil Gramm, and then stated the benefits of bringing in people to do the work here, rather than doing the work elsewhere, to me, should be pretty self-evident.”

Now, let me state clearly, it is my preference that these jobs in the information technology fields be filled with Americans. However, due to the low unemployment rate and the lack of unemployed educated high-tech workers, filling the numerous openings in the information technology fields is not something that I am particularly enthusiastic about. Therefore, to continue to propel our economy forward, we must pass legislation such as S. 2045 to fill these critical positions in our information technology sector.

This legislation, though, does more than just increase the number of H-1B visas to temporarily fill the job openings in the high-tech industry that cannot be filled by Americans. This bill contains provisions that continue the imposition of a $500 fee per H-1B visa petition. It is estimated that this fee, with the increase in the H-1B ceiling, will raise roughly $450 million over three years. This legislation will provide scholarships for U.S. workers and U.S. students, thereby helping them to choose education in these important fields. Our goal should be to fill these American jobs with trained American workers. These provisions of S. 2045 takes us toward that goal.

Mr. President, in closing, I cannot overstate how important it is for our country’s economy to raise the ceiling on H-1B visas, and to provide funding for the training of Americans to fill these jobs. I implore my colleagues to reconsider their demand for votes on unrelated amendments to this legislation. At this late stage in the Congress, defending votes on unrelated amendments to this legislation will kill this important bill, leave very important jobs in the information technology sector unfilled, and ultimately, hurt our economy.

VISA WAIVER PILOT PROGRAM

Mr. WYDEN. Mr. President, I wish to explain to my colleagues the reasons for my objection to a unanimous consent request for the Senate to adopt legislation to make the Visa Waiver Pilot Program permanent. H.R. 3767. I do so consistent with the commitment I have made to explain publicly any so-called “holds” that I may place on legislation.

I regret that I am compelled to object to this measure at this point but I do so for reasons similar to those given previously. I believe the Senate should not allow the security of millions of Americans to be left in the hands of a legislation while we press ahead with legislation to take care of immigration matters.

Since April, a prominent Senate Republican leader has had a de facto hold on a bipartisan bill of critical importance to the security of those who live in rural counties, S. 1608, The Secure Rural Schools and Community Self-Determination Act of 2000. But time is running out. It is the end of July; there are fewer than 26 legislative days left. People in rural counties across America who have strained under dwindling Federal resource funds need this legislation. They should not be made to wait.

S. 1608 addresses the problems 709 rural counties in 42 states face in trying to fund schools, roads, and other basic county services with drastically declining Federal timber payments. These problems affect some 800,000 school children and millions of people. For example, Grant County in eastern Oregon has lost 90 percent of its timber receipts, forcing it to turn to a four-day school week as a cost-saving measure.

This bipartisan bill provides a balanced solution to the problem. The Environment and Natural Resources Committee reported it by voice vote, and it is supported by hundreds of counties, labor organizations, education groups, and the National Association of Counties. I regret having to take this action but do so consistent with the commitment I made previously. I believe the Senate should do so for reasons similar to those given previously. I believe the Senate should do so for reasons similar to those given previously. I believe the Senate should do so for reasons similar to those given previously. I believe the Senate should do so consistent with the commitment I made previously. I believe the Senate should do so for reasons similar to those given previously. I believe the Senate should do so consistent with the commitment I made previously. I believe the Senate should do so.

RURAL AMERICA PROSPERITY ACT OF 2000

Mr. BURNS. Mr. President, I rise today to express my support of the
Rural America Prosperity Act of 2000. I am pleased to be a cosponsor, along with my colleagues, Senators LUGAR, ROBERTS, and SANTORUM. I am a cosponsor of this bill because it gives our farmers some of the tools they need to succeed in today's economy and works to foster a key tool in our current agriculture policy.

In 1996, we passed a new version of the farm bill. This legislation began the process of eliminating government control over farmers. No longer do the government dictate what crops farmers could plant. Farmers could use their own discretion, honed by generations of living on the land, as to how their land and finances would be managed. The farm bill made numerous steps in the right direction, but there is more we can do. This, I believe, is a very important step to make this legislation better and more flexible.

This legislation takes us a few steps further down the road to better farming policies. It recognizes three important tax provisions that I feel are vital to the survival of Montana's and America's farmers. The first is the repeal of the estate tax, which would allow farms to be passed along to the next generation, the repayment of mortgages on farms, and daughters are forced to sell the only home they have ever known to pay the estate taxes, when their parents die. Family farms are disappearing fast enough without this added burden.

The second vital tax provision is the exclusion of capital gains from the sale of farmland. This simply puts farm owners on an even playing field with homeowners, who already benefit from exclusion of capital gains. The third tax provision lies in the area of health insurance. Farmers, and others who are self-employed, do not have health insurance provided for them. They must cover the full cost themselves. This legislation gives those who are self-employed a tax deduction for the cost of their insurance.

Farmers, more than any other sector of our economy are likely to experience substantial fluctuations in income. Market forces in farming are very unique: drought, flooding, infestation and disease all play a vital role in a farmer's bottom line. And it's not often when the elements of mother nature allow for a profitable harvest more than once in several years. Many significantly sacrifices which that are trying to politicize this issue by adding a rider to the Energy and Water Appropriations bill to prevent the Corps of Engineers from changing the 40 year old Master Manual that sets the management policy of the River.

They are trying to politicize this issue by adding a rider to the Energy and Water Appropriations bill to prevent the Corps of Engineers from changing the 40 year old Master Manual that sets the management policy of the River.

Let me assure you and the rest of my colleagues that after 40 years, the management of the Missouri River is in serious need of an update to reflect the current realities of the River. As the discussion—and sometimes, heated debate—continues with respect to the Missouri River and its various uses, the Army Corps of Engineers has proposed a revision of the Master Manual which governs how the River is managed. Those of us from the States in the Upper Basin are determined to work aggressively for the interests of our region. For decades our states have made many significantly sacrifices which have benefited people living further south along the Missouri River, yet it is the time now to bring an outdated and unfair management plan for the Missouri River up to date with modern economic realities.
and provided the resources for the construction of the First Baptist Church. After the church was completed, Lee persuaded the congregation to allow the African-Americans to hold their own worship services in the basement of the church. The Thirteenth Amendment, which abolished slavery, was ratified in 1867 and African-Americans withdrew from the First Baptist Church and erected their own church home, thus forming Mount Helm Baptist Church.

During its 165 years of existence, Mount Helm Baptist Church has had the leadership of 21 pastors. Mount Helm is currently being pastored by the Reverend R. Johnson, Jr. Under his leadership, it has always been a pillar of faith and support to local churches and the surrounding community. The Thomas and Mary Helm family, motivated by a benevolent and sympathetic spirit, donated the land upon which African-Americans built their first church edifice.

The City of Jackson and the State of Mississippi are grateful for Mount Helm’s Baptist Church leadership and accomplishments.

THE BREAST AND CERVICAL CANCER TREATMENT ACT

Mr. ROBB. Mr. President, last month, the Finance Committee reported a bill by vote voice to provide treatment for low-income women identified as having breast or cervical cancer through a federal screening program. I rise today to urge the Senate to expeditiously take up and pass this legislation.

In 1990, the Senate unanimously approved establishment of the National Breast and Cervical Cancer Early Detection Program, a CDC program which has expanded screening for these diseases to over one million women. Unfortunately, after receiving diagnosis, many of these women find themselves without health insurance and with no one to turn to for treatment. This is unconscionable—it’s time to finish the job.

Earlier this summer, I hosted women’s health forums in Virginia to discuss with women health concerns of priority. Breast and cervical cancer survivors asked me to come to you and my distinguished colleagues and urge your support for swift passage of this legislation. I was pleased to support the bill in Committee, and I am happy to echo their words to you.

73 Senators have cosponsored this proposal and the House of Representatives, in May, passed companion legislation with overwhelming support. Mr. President, on behalf of all women, I urge the Senate to take up and pass this legislation as soon as possible.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 26, 2000, the Federal debt stood at $5,669,530,258,286.44 (Five trillion, six hundred sixty-nine billion, five hundred thirty million, two hundred fifty-eight thousand, two hundred eighty-six dollars and forty-four cents).

One year ago, July 26, 1999, the Federal debt stood at $5,636,526,000,000 (Five trillion, six hundred thirty-six billion, five hundred twenty-six million). Five years ago, July 26, 1995, the Federal debt stood at $4,914,609,000,000 (Four trillion, nine hundred forty-one billion, six hundred nine million).

Ten years ago, July 26, 1990, the Federal debt stood at $3,164,872,000,000 (Three trillion, one hundred sixty-four billion, eight hundred seventy-two million).

Fifteen years ago, July 26, 1985, the Federal debt stood at $1,798,867,000,000 (One trillion, seven hundred ninety-eight billion, eight hundred sixty-seven million) which reflects a debt increase of $3,870,653,286.44 (Three trillion, eight hundred seventy billion, five hundred thirty million, two hundred sixty-three million, two hundred eighty-six dollars and forty-four cents) during the past 15 years.

ADDITIONAL STATEMENTS

TRUCK DRIVERS ACT OF HEROISM

Mr. BURNS. Mr. President, today I would like to take the opportunity to say a few words of praise for an act of heroism displayed by a couple of long haul truckers earlier this month in my home state of Montana.

I came to the floor today to not only praise the good deed but to also support a mode of transportation that supports the economy of Montana and the entire nation.

As I have said, earlier this month in my home state of Montana a pair of truckers rescued four people from a car that had overturned in a ditch filled with floodwater. The car containing three people, was submerged underwater for at least three minutes after skidding off an eastern Montana highway during a flash flood which left only the car’s tires above water.

Luckily for the passengers, a truck driver stopped just past the overturned car. The trucker backed his trailer off the road and over the bank risking his own safety and property. After securing a chain around the bumper of his trailer, he waded into the water, secured the other end around the car and pulled it back up onto the road. A second truck driver also stopped to assist.

I would like to recognize these unknown individuals for their heroism. Too often we take our nation’s truckers for granted. It is continually being made easier and better. Mr. President, I would like to ask my colleagues to join me in the following proposal: Ensure safety on our nation’s highways; ensure truckers are not burdened with additional costs; and ensure the final result will allow truckers to spend more of their non-driving time at home with their families. The current proposal fails miserably to address these matters.

Again, I would like to personally thank and commend the two individual truckers for their heroism, but also commend all truckers for their hard work and dedication to safety on our highways.

Thank you, Mr. President, I yield the floor.

IN RECOGNITION OF MR. JAMES E. KELLEY

Mr. BAYH. Mr. President, I rise today to recognize the humanitarian work of James Kelley of Fort Wayne, Indiana.

For many years, Mr. Kelley has been known for his successes as an entrepreneur and philanthropist in Indiana. He founded the Kelley Automotive group in 1952 which now employs over 1200 employees in both Indiana and Georgia. His dedication to public service has been evident through his service on the boards of the Fort Wayne Museum, and the Arthritis Foundation, the Fort Wayne Aviation Museum, and the Arthritis Foundation.

Recently, Mr. Kelley has devoted his energies to developing a grain business in the Republic of Moldova. The Republic of Moldova is a small country approximately the size of Indiana with a population of 4.8 million people. Since the dissolution of the Soviet Union in 1991, Moldova has been struggling to successfully transition from a communist system to a democratic republic.

One of the greatest challenges facing this burgeoning country is that of economic development. In 1999 the per capita income in Moldova was only $2,200 and inflation was at 43 percent. Through his purchase of a grain elevator and his partnership with the farmers of Moldova, Mr. Kelley has been able to loan local farmers feed, fertilizer, and fuel. In the near future, he plans to introduce modern farming techniques that will increase crop
yields. The Kelley Grain company is considered to be one of the primary economic development initiatives in the nation, and Mr. Kelley’s work has been recognized by both the former and current prime ministers of Moldova.

In economic and philanthropic endeavors, Mr. Kelley has taken his philanthropic activities abroad as well. While in Moldova, he noticed a deficiency in their health care system and organized a medical team to travel to Moldova. While there, this team trained physicians and nurses in techniques to implant pacemakers, provided much needed supplies for cardiovascular surgeries, provided consultation and echocardiographic imaging at the cardiology center, visited pediatric wards and orphanages, and provided the rural city of Gaushen with antibiotics, blood pressure cuffs, and antihypertensive medications.

I would like to commend James Kelley for his efforts and tireless dedication to helping the people of this struggling country. His humanitarian work in the Republic of Moldova can only enhance the relationship between our two countries. I am honored to be able to recognize his contributions and wish him continued success in the future.

HONORING THE CALL D.C.

• Mr. BROWNBACK. Mr. President, today, I rise to recognize The Call D.C., a group of young people who will gather in Washington, D.C. September 2, 2000 to strengthen and renew their commitment to God, their families and their local communities.

The Call D.C. is a non-denominational gathering of youth and their parents, youth leaders, pastors, and Church leaders who are unified in their steadfast commitment to strengthening their faith in God and their concern for their local communities and our nation.

I have long been greatly concerned about the state of our culture, and the state of our society. Young people today are barraged with images of violence, hate, and vulgarity that pour forth from our airwaves and our entertainment. The challenges young people face seem to grow more difficult, and more pervasive. Where once we, as a society, felt free to affirm faith in God, and adherence to high standards, such beliefs are now often called into question.

It is thus even more exciting to see many young people, such as these young people, who are willing to lead by example and focus their efforts on steadily improving their families, communities and our nation. These young people, who represent communities and religions from around our nation, will come together on September 2 and use their assembly as a time to pray for strength, their families, their faith, in God, and their commitment to their families through reconciling with their parents, and nurturing their walk with God.

These young people remind us of our solemn duty not just as parents, teachers, business leaders or public servants but as citizens of this great nation—"a nation under God . . . ." I commend them for reminding us that we must first focus on God and he will strengthen us in our efforts to build up our families, our local communities and our nation. I applaud all the participants of the Call D.C. and thank them for their work and their commitment and their heart for God.

ON THE MARRIAGE OF MARK PRESTON AND MEREDITH RAY BONNER

• Mr. L. CHAFFEE. Mr. President, I rise today to congratulate Mark Preston and Meredith Ray Bonner on their recent wedding, which took place on July 8, 2000, at the Holy Spirit Catholic Church in Atlanta, Georgia. The groom’s parents Eugene and Mary Preston were in attendance, as was the bride’s mother, Mrs. Phillip Ray Bonner.

Mark proposed on December 28, 1999, in the same parking lot where they first kissed, and the couple spent their honeymoon in the city of Gaushen with antibiotics, blood pressure cuffs, and antihypertensive medications.

As many of you know, Mark is the intrepid Roll Call reporter, famous for stalking unruly Members coming off the Senate floor or leaving the weekly policy lunches. Over time, Mark has become a fixture at the Ohio Clock and on the Hill.

The bride, now Meredith B. Preston, is also a journalist, and recently relocated to Washington from Atlanta. In fact, Mark and Meredith met as report- ers at the Marietta Daily Journal.

I hope the entire Senate will join me in wishing Mark and Meredith the very best today and throughout the future.

COLOMBIAN INDEPENDENCE DAY

• Mr. TORRICELLI. Mr. President, I rise today to join people in New Jersey and throughout the nation in recognizing Colombia’s 190 years of independence from Spain. On July 20, 1810, the citizens of Bogota created the first representative council to challenge Spanish authority. Total independence was proclaimed in 1813, and in 1819 the Republic of Greater Colombia was formed. In 1822, the United States became one of the first countries to recognize the new republic and to establish a resident diplomatic mission.

In addition to recognizing the day of Colombia’s independence, this is an excellent opportunity to celebrate the contributions of the growing population of Colombian-Americans in New Jersey and throughout the United States. Almost 100,000 Colombian-Americans reside in Northern New Jersey alone. The Colombian-American culture is vibrant and rich and it is important that we recognize its impact it is having on our communities.

While Colombia boasts one of the oldest democracies in South America, that democracy faces many serious challenges today. Celebrating this day of independence reminds us that Colomibia has a long journey ahead as it works to overcome the problems of drug trafficking and rebel violence that continue to plague its society. The United States Congress is committed to helping in that struggle in any way we can.

I commend the great accomplishments and contributions of the Colombian-American community and as we join them in celebrating their nation’s independence we also look to establishing peace and justice in their homeland.

A TRIBUTE TO HENRI NSANJAMA

• Mr. JEFFORDS. Mr. President, today I rise to pay tribute to Henri Nsanjama, a champion of conservation who died on July 18, 2000. At the time of his death, Mr. Nsanjama was serving as vice president and senior advisor on Africa and Madagascar for the World Wildlife Fund here in Washington. Henri was an ardent supporter of measures to protect Africa and was a signatory of the United Nations Convention to Combat Desertification. I worked with him on both of these important issues. Henri would have been pleased to know that the Senate Foreign Relations Committee is scheduled to vote in September to recommend that the full Senate ratify the Desertification Convention. So far, 168 countries have ratified the Desertification Convention and the U.S. is the only major industrial nation that has not done so. Henri worked hard to change that and ensure that biodiversity is protected in Africa and other parts of the world facing desertification.

A native of Malawi, Henri dedicated his life to the challenge of linking wildlife conservation with the needs of local communities. He believed that the most challenging aspect of his work was conserving wildlife without undue hardship to human beings.

Henri built his distinguished career through formal education and hands-on field work. He served as a Trainee Game Ranger in his native Malawi, where he recalled being inspired by the sight of more wild animals than people.

He attended the College of African Wildlife Management in Mweka, Tanzania, and became a Warden at Kasungu National Park in Central Malawi.

Henri then moved to the United States, and earned a Bachelor’s Degree in wildlife biology and natural resources economics at the University of Massachusetts at Amherst. After Amherst, Henri returned home to Kasungu National Park and eventually was hired as Malawi’s Deputy Director of National Parks and Wildlife. Three years after, he moved to the University of Stirling, Scotland, where he received a Master’s Degree in environmental management.
Anxious to apply his new knowledge, Henri returned home once again to become the Director of National Parks and Wildlife for Malawi. He also served as the Coordinator of Wildlife Activi- 
ties of the ten countries of the Southern 
African Development Coordination. In 1989, Henri led his co- 
appointed Chairman 
man of the Standing Committee of 
the Convention on International Trade in 
Endangered Species, a post he held for a 
year before beginning work with WWF in 1990. Henri led WWF’s program in 
Africa for 10 years. During that time 
he focused in particular on the areas of 
building the capacity of people and in- 
stitutions to manage natural re- 
sources, community based natural re- 
sources management, protected areas 
management and species conservation. He was co-author of “Voices from Afri- 
ca: Local Perspectives on Conserva-
tion.”

A strong African voice for conserva-
tion, Henri also knew how to reach 
Africans. He has been a key figure in 
Kathryn J. Fuller, President of WWF, said, 
“Throughout his 10 years with WWF, 
Henri was an inspirational ambassador 
for conservation with the American 
public and our partners in Africa. He 
was always at the forefront of efforts to 
include women in conservation and in-
crease their educational opportuni-
ties.”

Beyond his professional accomplish-
ments, Henri is remembered as a gifted 
storyteller who touched the lives of ev- 
eryone he encountered. In a profile five 
years ago, he was asked to describe his 
idea of perfect happiness. He answered, 
“As a Christian, it’s believing in what 
good was given to you and to be able to 
do good things for others. This is my 
19th year of working in conservation. 
I’ve never done anything else and I 
never want to.”

In Henri’s honor, the World Wildlife 
Fund will establish a fund to ensure that 
Africans have the opportunity to care for 
and manage their natural resources, a fitting tribute for 
one who believed so strongly in their 
importance of empowering Africa’s people to 
sustainably manage their natural heritage.

Henri’s funeral in Malawi this week 
was attended by 3,000 people, including 
eight ministers of the Malawian 
government. He was clearly loved and re-
pected by many and has left a lasting 
legacy of sustainable management of 
wildlife and wildlands in Africa. For 
this we should all be enormously 
grateful.

CARDINAL ROGER MAHONY

Mr. FEINGOLD. Mr. President, I have 
speaked several times on the floor this 
year about the flaws that plague our 
nation’s administration of the death 
penalty. I am not alone in raising this 
issue. The American Bar Association, 
the NAACP, the National Urban League, 
and many other organizations and indi-
viduals have added their voices to the 
chorus of voices supporting a morato-
rium on executions. A moratorium 
would allow time to review the system 
by which we impose the sentence of 
death. The National Conference 
of Catholic Bishops and United States 
Catholic Conference are among those 
organisations who agree that it is time to 

to pause.

I rise today to share with my col-
leagues the statement of Cardinal 
Roger Mahony, the Archbishop of Los 
Angeles. At the National Press Club 
he spoke eloquently in support of 
a moratorium on executions. He said, 
“the time is right for a genuine and 
reasoned national dialogue.” In a letter 
to me, he later said, “the obvious in-
equities that surround the death pen-
alty are truly shameful.”

I encourage my colleagues to take 
a moment to read his statement. And let 
us begin the reasoned national dialogue 
here, in the United States Senate. Mr. 
President, I am grateful that the full text 
of Cardinal Mahony’s statement be 
print-
ed in the RECORD.

The statement follows:

{The National Press Club Washington, DC, 
May 25, 2000}

A WITNESS TO LIFE: THE CATHOLIC CHURCH 
AND THE DEATH PENALTY

(Address by Cardinal Roger Mahony, 
Archbishop of Los Angeles)

Good afternoon. As I begin my remarks, I would like to thank John Cushman and the 
Board of the National Press Club for the invitation to speak before you 
this afternoon. I would also like to acknow-
eledge the members of the United States Catholic Conference Committees on 
Domestic and International Policy as well as staff 
from the United States Conference who are 
journeying with us for today’s program. Finally, I would like to extend a special welcome to 
Frank and Ellen McNeirney, the co-founders 
and co-directors of Catholics Against Capital 
Punishment.

I come to this prestigious forum as a pas-
tor who has witnessed firsthand the irrepar-
able pain and sorrow caused by violence in our 
community and in our nation. I have presided at the 
funerals of police officers 
killed in the line of duty. I have sought to 
console and comfort families who have 
lost loved ones, and to offer 
comfort to grieving relatives.

I have heard the concerns and fears of parents who live—day in and day out—sur-
rounded by the violence that haunts their 
neighborhoods.

As a Catholic priest, I have seen the pain of 
those whose lives have been forever 
changed by the loss of a loved one to senseless 
murder. Their loss has met not 
only their faith but the faith of those 
who walk with them. As their own quest for heal-
ing has brought them closer to God, their 
walk with them. As their own quest for heal-
ing has brought them closer to God, their 
walk with them. As their own quest for heal-
ing has brought them closer to God, their 
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walk with them. As their own quest for heal-

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The Pope states that “...the nature and extent of punishment must be carefully evaluated and decided upon, and ought not go to the extreme of executing the offender except in cases that are clear-cut, or in other words, when it would not be possible otherwise to defend society.” He goes on to say “...as a result of steady improvements in penology, the penal system, in most instances, is found to be so obvious, so permanent, and so difficult to achieve in practice that it is understandable that public opinion is now so strongly against capital punishment.”

The reality is that the penal system in the United States, perhaps better than in other countries, has the ability to permanently isolate dangerous individuals.

Now, even some death penalty supporters are beginning to realize that the government is unprepared and incapable of handling the responsibility and that the death penalty is sometimes applied in cases that are very rare, if not practically non-existent.

In the last decade, the Holy Father has recognized that the purpose of punishment is an irrevocable character of each and every person is sacred, every life is precious, and that a punishment that destroys the Oklahoma City Federal Building is turned his own anger into a search for justice and reconciliation. He was denied an opportunity to testify at Timothy McVeigh’s trial because of his opposition to the death penalty—a position that Julie also shared. Undeterred, he has carried his message to groups arguing that the capital punishment only deepens the emotional wounds opened by the initial act of violence.

The reality is that the penal system in the United States, even in states without capital punishment.

In the midst of this debate, the most pressing problem is that of the victims. One of the most visible is Pope John Paul II. He has never fully recovered from the gun wounds that nearly killed him. As a result of this attack, he is an example of the moral complexity of the issue to address the moral and human dimensions of the death penalty. This dialogue should be about not only what can be done in our communities, in our churches and homes, and in newspapers and other public forums.

As we have pointed out in previous statements, the death penalty is currently applied. While I support these efforts, the long-term goal is not simply to make the application of the death penalty free from bias, inequity, or human error. Instead, these efforts should be steps towards a public debate that ultimately ends to state executions. As the campaign to ban partial birth abortions has cast new light on the morality of abortion, these partial steps against the death penalty can create awareness of the moral problems with capital punishment. The time is right for a genuine and reasoned national dialogue.

A recently formed independent commission to study issues of procedure, innocence, and other legal aspects of the system is significant and my fellow bishop, Cardinal William Keeler of Baltimore, has agreed to serve on that commission. I do not think we can fix the current death penalty system to make it more humane and just. Social, political and economic factors make a complete overhaul of the system doubtful. Moral and ethical questions make such an endeavor impossible.

CONCLUSION

Abortion is promoted to deal with difficult or unwanted pregnancies. Legalized and assisted suicide are suggested as a remedy for the burdens of age and illness.

Criminal punishment is marketed as the answer to deal with violent crime. A nation that destroys its young, abandons its elderly, and relies on vengeance is in serious moral trouble.

The Catholic Bishops of the United States join with Pope John Paul II in a recommitment to end the death penalty. Our faith calls us to be “unconditionally pro-life.” We will work not only to proclaim our anti-death position, but to persuade others that increasing reliance on capital punishment diverts us from the true root cause of the problem.

In addition, we recommit to work with our community of faith to combat crime and violence, to turn our prisons from warehouses of human failure and seedbeds of violence, to places of rehabilitation and recovery. We will stand with victims of crime and seek real justice and accountability for them and their families.

Simple solutions rarely address difficult problems. What is needed is a moral revolution that results in genuine respect for every life—especially the unborn and the poor, the crime victims and even the violent offender. In the end, our society will be measured by how we treat “the least among us.” We challenge our government to defend human life in every circumstance and situation. It calls on our leaders and the media to
seek the common good and not appeal to our worst instincts. This is a time for a new ethic—justice without vengeance. Let us come together to hold people accountable for their actions, to resist and condemn violence, to stand with victims of crime and to insist that those who destroy community, answer to the community. But let us not remember that we cannot restore life by taking life, that vengeance cannot heal and that all of us must find new ways to defend human life and dignity in a fallen society.

This will be a long struggle. It begins by raising new doubts about the death penalty. It will require new and more serious efforts to address crime and reform prisons. In the end, we cannot practice what we condemn. We cannot defend life by taking life. We cannot practice what we condemn in our prisons, and then hope to practice what we condemn in our society.

In this new century, we join with others in taking a prophetic stand to end the taking of innocent lives. In doing so, we hope to share a new vision of society that is unambiguous and consistent in its defense of life. It will demand the courage and faith of many to see through a long and challenging process of dialogue and conversion. It is a challenge, however, that is worth our best efforts.

Thank you.

A TRIBUTE TO MIKE AND JOANNE DUNCAN

Mr. McCONNELL. Mr. President, I rise today to recognize Mike and Joanne Duncan of Inez, Kentucky, for the successful internship program they continue to run for students in eastern Kentucky.

Mike and his wife Joanne founded an innovative summer-internship program in 1977 with the hope of encouraging young people to continue to work and live in their home state after college. To date, more than 100 people have participated in Mike and Joanne’s program and have had the opportunity to intern at local businesses or participate in other leadership-building projects and community events. The program has given students a place to exchange ideas with each other and community professionals to help them prepare for their career. It is through experiences such as these that Mike and Joanne have helped to show internships that they can make a difference in their corner of the world. The program the Duncan’s have created gives students an opportunity to see firsthand what the real, working world is like in their hometown and often results in the students’ desire to return home after college to share their talents and skills with the community of their youth.

Mike and Joanne’s work is known and appreciated throughout eastern Kentucky and throughout the region. In 1996, Mike was called the “Mentor to Eastern Kentucky” by the Journal of the Appalachian Regional Commission. Also, the Los Angeles Times once described the internship program as being “more akin to adoption.” The impact of the Duncan’s work reaches across the United States.

Mike and Joanne display an unswerving commitment to the people of Kentucky and possess the gratitude and respect of many. Their dedication to helping young Kentuckians succeed through countless hours of counseling and tutoring over the last 23 years is indeed noble.

Congratulations, Mike and Joanne, on your tremendous success, and thank you for your many generous years of service to eastern Kentucky’s youth. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.

Mr. REED. Mr. President, I rise today to congratulate Heidi Kirk Duffy upon her receipt of the Order of Merit of the Federal Republic of Germany, First Class.

Heidi was selected to receive the Order of Merit to recognize her “outstanding contribution to the development of academic and economic interchanges between educational institutions and companies of the United States and the Federal Republic of Germany.” The Order of Merit will be bestowed upon Heidi in particular recognition of her commitment to the cultivation of a strong relationship between the University of Rhode Island’s International Engineering Program and the Federal Republic of Germany.

A native of the Dusseldorf area, Heidi is currently the Chair of the Advisory Board of the University of Rhode Island’s International Engineering Program. At the conclusion of this five-year program, graduates receive two degrees, one in English and the other in German. Recently, the University of Rhode Island has also added courses in Spanish and French. This International Engineering Program is considered to be one of the most unique programs of its kind in American higher education.

Under her direction, the University of Rhode Island’s Engineering Program provides both German and American students a global education. Due to Heidi’s dedication and hard work, the Program has been truly successful in strengthening a transatlantic relationship between the United States and the Federal Republic of Germany.

Heidi was notified earlier this year by the Consul General of the Federal Republic of Germany, Dr. P.C. Hauswedell, that she had been selected to receive the Order of Merit. The Verdienstkreuz 1. Klasse der Verdenstorden des Bundesrepublik Deutschland, as it is known in German, is one of the highest honors given to civilians by the Federal Republic. She will receive the Order of Merit on Friday, August 4th at ceremonies in her home of Dusseldorf, Germany.

I congratulate Heidi for her accomplishments and wish her luck as she continues in her endeavors.

THE BEST 100 COMMUNITIES FOR MUSIC EDUCATION IN AMERICA

Mr. ABRAHAM. Mr. President, I rise today to recognize the Farmington Public School District of Farmington, Michigan, for its outstanding achievement in music education. It was ranked number one (along with Coppell, Texas) on the list of 100 best communities in the nation for music programs. This is a very special honor which emphasizes the importance of arts education to the lives of our children.

The rankings were the result of a five-year nationwide survey of more than 5,800 public schools and independent teachers, district administrators, school board members, parents, and community leaders representing communities in all 50 states. The web-based survey assessed many aspects of music education, such as funding, participation, student-teacher ratios, and quality of facilities. The results indicate that superior programs exist both in areas that possess a wealth of monetary and material resources, as well as in those that must rely on innovative means of funding and implementing ambitious educational endeavors. The key element of success, found in each of the top 100 communities, is the dedication and support of parents, teachers, school decision-makers, and community leaders. This landmark survey highlights the efforts of people who truly value quality music education and strive to make it a reality for today’s youth.

The partnership that sponsored the study was comprised of the country’s top organizations devoted to music and learning. National School Boards Association President, Clarice Chambers, commented on the significance of the results: “We already know that students in communities that value music programs tend to be high achievers. Now we can use the data generated by this survey to identify the common characteristics of exemplary music programs. This information will be invaluable to school boards and community leaders as they go about the work of raising student achievement in their own school districts.”

Scientific research has revealed the impact of music education on a child’s cognitive abilities, self-discipline, communication, and teamwork skills. The self-taught skills gained through artistic accomplishment encourage kids to avoid drugs and alcohol and channel their energy into positive activities. Farmington’s music education program will serve as a model for shaping young lives in school districts across the nation.

I applaud the City of Farmington for the wonderful music education program that it has established. It has truly earned its status as America’s best place for music education, and I applaud the city for the cultivation of musical talent for many years. On behalf of the entire United States Senate, I congratulate the City of...
Farmington, and wish the music education program continued success in the future.

CONGRATULATING DR. SAMIR ABU-GHAZALEH

Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate Dr. Samir Abu-Ghazaleh, who has been appointed by President Clinton to the National Cancer Advisory Board. Dr. Abu-Ghazaleh is currently a gynecologic oncologist at the Avera Cancer Institute in Sioux Falls, South Dakota where he has been successfully serving the important health needs of the citizens in my home state.

Dr. Abu-Ghazaleh attended Nahara College and received a MB.B. from Ain Shams University Medical School, both in Cairo. He did his residency in OB-GYN in Yankton, South Dakota, at the University of South Dakota Affiliated Hospital, from 1972 to 1976. He also held a residency in gynecologic oncology at Duke University, from 1976 to 1978.

After finishing his schooling in medicine, Dr. Abu-Ghazaleh returned to South Dakota where he served as the Director of the OB-GYN Student Teaching Program from 1981 to 1985, and an Associate Professor from 1980 to 1985, at the University of South Dakota School of Medicine. When not practicing medicine, Dr. Abu-Ghazaleh is writing about it. He is the author of numerous articles on gynecology and oncology. The community in which he practices is important to him and he has hosted several workshops and presentations as a free service to inform the public and increase cancer awareness, particularly concerning women's health issues.

Dr. Abu-Ghazaleh is a member of the North Central Cancer Treatment Group, the Gynecologic Oncology Group, and the American College of Gynecologists. He has also been a member of the National Cancer Institute. Beginning in 1985, he has continued to serve as a Fellow of American College of Surgeons. Additionally, Dr. Abu-Ghazaleh has been a Fellow of the American College of Obstetricians and Gynecologists and a Surgical Gynecologic Oncologists since 1980.

It is with great pride and pleasure that I rise in recognition to an outstanding health care provider, an honored member of the National Cancer Advisory Board, and a true asset to the state of South Dakota. He is a man who has dedicated his life to helping others and providing education on the serious illness of cancer. Again, congratulations to Dr. Samir Abu-Ghazaleh. I trust the Advisory Board will find him a valuable asset and a skilled advisor.

A TRIBUTE TO FRANCIS SCOTT KEY ON THE OCCASION OF HIS BIRTHDAY, AUGUST 1, 1779

Mr. L. CHAFEE. Mr. President, one of my constituents, Virginia Louise Doris of Warwick, RI, has written a beautiful poem that commemorates the life of Francis Scott Key, and his steadfast efforts in penning what has become the words of our National Anthem. Last year I was pleased to share with my colleagues a poem she wrote about the valiant soldiers of World War II. Today, after reading her latest poem, I thought it would be appropriate to share her heartfelt words.

Virginia Doris has informed me that she has worked for many years researching the life of Francis Scott Key, and has written a monograph compiling her findings. Her dedication to bringing recognition to this great American is indeed inspiring. I thank her for sharing the poem with me, and wish her continued success in sharing the worthy story of her hero, Francis Scott Key.

"I ask that a copy of Virginia Doris' poem appear at this point in the Record."

The poem follows:

POEM IN HONOR OF FRANCIS SCOTT KEY

(By Virginia Louise Doris)

Anthem, Mighty Anthem! Our voices resound. Poem by God's blessing, unsceptered, uncrowned!

Anthem, Sacred Anthem! Our pulses repeat. Warm with the life-blood, as long as they beat!

Listen! The reverence of his soul imbued doth thrill us still.

In the old familiar places beneath their emerald hill.

Here at this altar we renew still in thy cause be loyal and true—

True to thy flag on the field, and the wave, living to honor it, dying to save!

Wake in our breast the living fires,

Anthem, Sacred Anthem! Our pulses repeat. Warm with the life-blood, as long as they beat!

TRIBUTE TO RICHARD CYR—JACQUELINE KENNEDY ONASSIS AWARD WINNER

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Richard Cyr upon receiving the Jacqueline Kennedy Onassis Award for outstanding public service.

In a time where random acts of kindness seem to be waning, Richard has proven that kind souls are still in abundance. He has established one of the most important volunteer efforts in the state, if not the country. Richard formed David's House, a program for the parents of sick children that provides much-needed support and love during critical times of treatment programs. It is this tireless dedication to helping others that earned him the national award for this effort.

Richard understood how difficult it was for families of sick children to remain close to their loved ones without having to add hotel costs to the growing number of bills. He was in the same situation himself when his foster child, David, became ill with acute lymphocytic leukemia. Richard spent countless nights sleeping in his car or in the hospital lobby to be closer to his child. After David's death, he decided...
TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Senatorial Business Administration's New Hampshire "Financial Services Advocate of the Year" award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group is no exception. They have been assisting small businesses in surrounding communities with great success since 1992. Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their dedication and their success. It is truly an honor to represent them in the United States Senate.

TRIBUTE TO RUTH GRIFFIN—2000 CITIZEN OF THE YEAR

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Ruth Griffin for being named the "2000 Citizen of the Year" by the Greater Portsmouth Chamber of Commerce.

Ruth’s dedication to the citizens of Portsmouth and its surrounding communities has spanned an impressive thirty years. She exemplifies what is good about today’s society and proves that everyone can become involved in his or her community in some way. Ruth genuinely cares for the people of the seacoast and thinks of everyone as her children to some degree. Her unflattering commitment to those in need or in crisis has touched the lives of many and garnered her an award for her efforts.

Aside from participating in countless community service events and programs, Ruth served on the Portsmouth School Board and the Police Commission. She extended her service beyond the seacoast to all of New Hampshire by serving terms in the New Hampshire State House. She currently serves as one of the governor’s executive councilors. Ruth gives one hundred percent of her time and efforts to bettering the lives of those less fortunate. Her kind-hearted care and concern for the well-being of all she encounters proves her deep commitment to making New Hampshire a better place to live. Such dedication to her community and state is heart-warming and truly inspirational in a time when civic responsibility seems to be waning.

It is citizens like Ruth who make our communities stronger and exemplify what is good about America today. It is an honor to serve Ruth in the United States Senate.

TRIBUTE TO BRETT MURPHY ON BEING NAMED PRESIDENTIAL SCHOLAR

Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Brett Murphy of New Ipswich, New Hampshire, for being selected as a 2000 Presidential Scholar by the United States Secretary of Education.

Of the over 2.5 million graduating seniors nationwide, Brett is one of only 141 seniors to receive this distinction for academics. This impressive young man is well-deserving of the title of Presidential Scholar. I wish to commend Brett for his outstanding achievement.

As a student at Saint Bernard’s Central Catholic High School in New Hampshire, Brett has served as a role model for his peers through his commitment to excellence. Brett’s determination promises to guide him in the future.

It is certain that Brett will continue to excel in his future endeavors. I wish to offer my most sincere congratulations and best wishes to Brett. His achievements are truly remarkable. It is an honor to represent him in the United States Senate.

TRIBUTE TO JAY BORDEN—2000 ENTREPRENEUR OF THE YEAR

Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Jay Borden, for his recognition as the 2000 Entrepreneur of the Year by the New Hampshire High Technology Council.

Jay is the President and CEO of Granite Systems, Inc., a leading provider in configuration management solutions to the telecommunications industry worldwide. His company is a rapidly growing success because of its innovative techniques supporting a wide array of network technologies. This allows Granite Systems the chance to do business with a wider spectrum of clients and to solidify their golden reputation in the fast-paced world of telecommunications technology.

Under Jay’s strong leadership, his company has maintained a policy of 100 percent employee participation in a profit sharing program intended to create a real difference for all employees if the company reaches its valuation and liquidity goals. He is truly dedicated to furthering the creative development of his employees through work-conducive policies. Because of Jay’s efforts, his company has set aside funds for others, his employees are also deeply committed to high quality service and products.

Jay’s sharp business skills and telecommunications experience prove to be just the right combination for a business that shows its success not only in dollar figures, but in the contributions it makes to leading new technologies. His commitment to the advancement of New Hampshire’s technological economy is truly commendable. It is companies like Jay’s that prove New Hampshire’s true competitiveness in the technological field. Jay, it is an honor to represent you in the United States Senate.

TRIBUTE TO KRISTINE WEST—AMERICAN LEGION LADIES AUXILIARY NATIONAL PRESIDENT

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Kristine West for her recent selection as National President of the American Legion Auxiliary.

Kristine’s commitment to public service as a member of the American Legion Auxiliary is evident through her long list of accomplishments. In a time where civic duties seem to be waning, Kristine exemplifies true civic pride and involvement. Not only has she been an active member of the Laconia Auxiliary for over thirty years, she has given freely of her time to the town of Sutton as a member of the North Sutton Improvement Society and the Sutton Historical Society; working to better New Hampshire’s scenic and historic heritage for all Granite Staters.

Kristine was a member of the American Legion Department of New Hampshire for five years before moving on to national level work. Her ten years of experience as chairwoman of various national committees proves that she is more than capable of handling the position of President. Her commitment to such organizations as Habitat for Humanity, the Education Committee and the Community Service Committee prove her strong dedication to helping surrounding communities and individuals in need.

Kristine’s hard work, determination and energy are truly commendable. Her deep concern for the common good is admirable. She has truly demonstrated the qualities of strong leadership which will take her far in her new position. It is an honor to represent her in the United States Senate.
TRIBUTE TO LAUREN E. SIROIS ON BEING NAMED PRESIDENTIAL SCHOLAR

Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Lauren E. Sirois, of Salem, NH, for being selected as a 2000 Presidential Scholar by the U.S. Secretary of Education.

Of the over 2.5 million graduating seniors nationwide, Lauren is one of only 141 seniors to receive this distinction for academics. This impressive young woman is well-deserving of the title of Presidential Scholar. I wish to commend Lauren for her outstanding achievement.

As a student at Phillips Academy in New Hampshire, Lauren has served as a role model for her peers through her commitment to excellence. Lauren's determination promises to guide her in the future.

It is certain that Lauren will continue to excel in her future endeavors. I wish to offer my most sincere congratulations and best wishes to Lauren. Her achievements are truly remarkable. It is an honor to represent her in the U.S. Senate.

TRIBUTE TO MARY NOUCAS—OUTSTANDING VOLUNTEER

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mary Noucas, for her recognition as an Outstanding Volunteer by the New Hampshire Partners in Education.

In a world full of waning civic responsibility, it is always heartwarming to hear stories devoting time to their communities. Mary's tireless dedication to Portsmouth schools has garnered her state-wide recognition for her efforts. She initially started working at the Dondero Elementary School when her children started kindergarten seven years ago in order to become more fully involved in their education. She offered to sign up for everything to get to know the teachers and the parents better, and hasn't stopped since. Her work now stretches to other schools in the area as well.

Mary has established a number of successful programs at the school, such as the Class Popcorn Giveaway and the Magical Mailbox program, heads numerous committees and has overseen countless art shows, bake sales and book fairs. She puts together the middle school newsletter and continues to do publicity for the elementary school. She truly enjoys volunteering and cites her love of children as the driving force behind her efforts.

Mary's work is truly inspirational and typifies what is good about American citizens today. Without the help of dedicated volunteers, our schools would not be able to run smoothly, and it is the children who ultimately would suffer. It is truly an honor to represent her in the U.S. Senate.

TRIBUTE TO MCLANE, GRAF, RAULERSON AND MIDDLETON—NH BUSINESS IN THE ARTS AWARD WINNER

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to McLane, Graf, Raulerson and Middleton upon their recognition as a 2000 New Hampshire ‘Business in the Arts’ award winner in the medium-sized company category.

The firm has been a long time contributor to the development of the arts in New Hampshire. They not only donate time and money to various arts events, but they have established themselves on numerous boards and sponsorships and are well-known for distributing complimentary tickets to clients and friends. This extensive sponsorship of different arts programs is carried out on a more personal level by the firm's employees, whose individual contributions of time and money make a significant impact on the organizations they support.

The firm has placed a considerable interest in community musical events throughout the State, and avidly supports the Opera League of New Hampshire, the New Hampshire Symphony Orchestra, the Portsmouth Music Hall, the Concord Community Music School and the Nashua Symphony, to name a few. Their list of achievements stretches even further to other venues of the arts as well, such as the Palace Theatre, in Manchester, the Currier Gallery of Art and Strawbery Banke, a historical site in Portsmouth.

This strong commitment by the firm to providing the opportunity for arts and culture to come to the State is truly commendable. The firm understands the true importance of the arts in communities, and without their generous support, these programs would not be possible. The firm has taken on new projects, most notably a year 2000 celebration with cultural activities such as a Black Heritage Trail and a YMCA art auction. These sort of events enrich the lives of the entire community and prove that private businesses can indeed make a business. He consistently works hard to ensure that all employee and business concerns are met and addressed. It is his dedication to relationship building that exemplifies what public relations is all about.

Mike is the president and CEO of Bell Atlantic New Hampshire, a company that faithfully upholds the ideals of corporate responsibility and citizenship and core values. Mike has taken the role of CEO to a whole new level of relationship building by embracing those around him, not only within his company, but within the surrounding community. He constantly works hard to ensure that all employee and business concerns are met and addressed. It is his dedication to relationship building that exemplifies what public relations is all about.

Mike is an extraordinary leader who leads by example, most notably by his involvement with numerous non-profit organizations. As chairman of Kids Voting New Hampshire and the former campaign chairman of the Greater Manchester United Way, Mike demonstrates the importance of civic responsibility and giving back to the community. He listens carefully to others and diligently tries to bring the disenfranchised into the circle. He makes people feel included and valued. His board membership in the Greater Manchester Chamber of Commerce, the NH Business & Industry Association, and the NH High Tech Council reflect his trustworthiness to the advancement of New Hampshire’s businesses and economy. He is the type of leader who encourages those around him to give above and beyond one hundred percent of themselves. As a result, Bell Atlantic sponsors a number of community events aimed at educating and guiding youths and adults throughout the state, such as the Smithsonian
Folklife Exhibit from New Hampshire and the Celebrate New Hampshire Culture Festival.

Mike’s hard work, determination and ability to motivate those around him to reach greater heights are truly commendable. His strong concern for the common good is admirable. He has truly illustrated the qualities of strong leadership and interpersonal relationship skills. Mike, it is an honor to represent you in the U.S. Senate.

TRIBUTE TO LAUREN JENNIFER MEEHAN—MISS NEW HAMPSHIRE 2000

Mr. SMITH of New Hampshire. Mr. President, I rise today to honor a young woman who has given selflessly to her community, inspired her peers and has been chosen to represent the great state of New Hampshire in the Miss America pageant in 2000, Lauren Jennifer Meehan.

Lauren crowns both Miss Lakes Region and Miss New Hampshire, is a 1998 graduate of Nashua Senior High School. Not only did she graduate in the top ten percent of her class, she went on to continue her education at the University of New Hampshire, where she is a sophomore majoring in molecular, cellular, and developmental biology. In addition to her premedical program course work, she minors in English as well.

Despite a double major and challenging courses, Lauren finds time for her singing passion, performing with the All-State Classical Choir for the past three years, and she gives back to the surrounding community through her involvement as a kindergarten catechism teacher at St. Thomas Moore Parish, as well as a Wentworth-Douglas Emergency Room volunteer.

Her platform of attachment and adjustment disorders in children is especially poignant in an age where violence and mental disturbance with America’s youth is all too common. Her dreams of entering the field of Pediatric Neurology will surely allow her to help each individual who worked on renovating and revitalizing the hotel is truly commendable. As a result, the Mount Washington Hotel and Resort was saved from demolition and currently thrives as one of New Hampshire’s greatest treasuries.

The Mount Washington Hotel and Resort is the largest employer in the local economy, providing 450 jobs in the summer months and 550 throughout the winter season. They are also an active member of their community, lending their support to programs such as New Hampshire Public Television, the Littleton Regional Hospital Auxiliary and other worthy programs and causes.

The Mount Washington Hotel and Resort is a true friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.

TRIBUTE TO OLDE PORT BANK—NH BUSINESS IN THE ARTS AWARD WINNER

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Olde Port Bank for its recognition as a 2000 New Hampshire “Business in the Arts” award winner in the small company category.

Olde Port Bank proves that time and money are not the only key factors necessary for the successful continuation of arts programs. They have provided exhibit space in its offices and lobbies and promoted the activities of employees and customers who are artists as well. It is this sort of personal attention that make various programs available to the local community. The bank also understands the importance of a strong financial backbone, and helps to secure loans and credit lines so that the arts can remain part of the seacoast community.

The Children’s Museum of Portsmouth is one such grateful recipient of Olde Port Bank’s efforts. The bank has given generous financial support for an endowment fund to the museum and established a cultural membership and sponsorship. Bank employees spend countless hours assisting the museum in many of its events and activities. This sort of high participation is a testament to the staff’s deep dedication to making the arts more accessible to the Portsmouth community.

Olde Port Bank recognizes the importance of arts in education and the community. Forty percent of the bank’s contributions budget is earmarked for arts organizations in the Portsmouth area, and this amount is consistently growing each year. This company recognizes their power to lead by example, both economically and physically.

Without the support of dedicated businesses like Olde Port Bank, the arts would not be able to flourish in New Hampshire. Olde Port Bank truly signifies the deep personal commitment of small businesses across the state to supporting the causes that make New Hampshire one’s chosen place to call home. It is an honor to serve them in the United States Senate.

TRIBUTE TO LILLIAN NOEL—PAUL HARRIS FELLOW AWARD WINNER

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Lillian “Billie” Noel for her recognition as the Portsmouth Rotary Club’s “Paul Harris Fellow” award winner.

Billie’s deep commitment to preserving New Hampshire’s precious woodlands is truly commendable. In spite of selling 35 acres of land to developers, Billie sold it at a reduced price to preservationists, ensuring the land will remain untouched for a long time. It is because of her dedication to assuring the future of New Hampshire’s forests that she was honored by the Portsmouth Rotary Club in option for preservation over profit.

Billie made the decision to sell her property for $600,000 to the Society for the Protection of New Hampshire’s Forests, even though it is worth three times that amount. This generous sale will ensure that the scenic waterfront property is not touched by developers. One of the last remaining undeveloped pieces of land in the fast-growing seacoast area, residents would have lost a treasured piece of their New Hampshire heritage had it been sold to developers. The Society plans to add walking paths and areas to picnic and bird watch, preserving the land’s charm and scenic appeal. Billie’s contribution to New Hampshire’s citizens proves that there are still people dedicated to saving nature’s delicacy rather than making a mere profit. It is this type of private initiative which keeps New Hampshire as the beautiful “Live Free or Die” state.

New Hampshire is lucky to have citizens like Billie who are committed to saving our state’s beautiful lands. Our state’s scenic areas are too precious to lose and I commend Billie for her hard work and dedication to the environment. It is an honor to represent Billie in the United States Senate.

TRIBUTE TO THE HONORABLE SUSAN B. CARBON—“FRANK ROWE KENISON” AWARD RECIPIENT

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Honorable Susan B. Carbon upon receiving the “Frank Rowe Kenison” award for her contributions to New Hampshire citizens through the field of Law and Justice.

TRIBUTE TO THE MOUNT WASHINGTON HOTEL AND RESORT

Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Mount Washington Hotel and Resort for their designation as one of the Businesses of the Decade by Business New Hampshire Magazine.

For the past ten years, under the direction of partners Joel and Cathy Bedard, the Mount Washington Hotel and Resort has become a cornerstone of the White Mountain Community, providing not only a place for the people of New Hampshire to rest and relax, but giving back to the surrounding community as well.

The Mount Washington Hotel and Resort had not been locally owned until 1991, after several failed business ventures attempted to capitalize on the property. The hard work and dedication of each individual who worked on renovating and revitalizing the hotel is truly commendable. As a result, the Mount Washington Hotel and Resort was saved from demolition and currently thrives as one of New Hampshire’s greatest treasures.

The Mount Washington Hotel and Resort is one of the state’s largest employers, providing 450 jobs in the summer months and 550 throughout the winter season. They are also an active member of their community, lending their support to programs such as New Hampshire Public Television, the Littleton Regional Hospital Auxiliary and other worthy programs and causes.

The Mount Washington Hotel and Resort is a true friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.
The “Frank Rowe Kenison” award was established to recognize those individuals who, through the administration of justice, the legal profession or the advancement of legal thought, have worked towards improving the lives of New Hampshire citizens.

Susan has devoted her life of hundreds if not thousands of New Hampshire citizens through her pursuit of justice. Her personal and professional journeys have inspired her to seek an end to family violence.

As president of the Belknap County Economic Development Group, Susan has instrumental in establishing the Family Violence Conference. She has also served as a member of the Executive Committee for the Governor’s Commission on Domestic & Sexual Violence and a trustee for the National Council of Juvenile and Family Court Judges. This involvement has allowed her to combat domestic violence on a national level.

Susan’s tireless dedication to domestic violence prevention is a testament to the philosophy of Frank Rowe Kenison, who stated “The Supreme Court and the Judiciary of this State will continue to maintain and guard its house justice for the humble as well as the rich, for the minority as well as the majority and for the unpopular as well as the popular.”

In her many years in the legal profession, Susan Carbon has carried out Rowe’s vision of justice. Rowe himself turned to the most sacred and powerful groups within society and the family in order to ensure that each individual is able to live without the fear of impeding violence.

Susan’s dedication to her profession, ending domestic violence and to her surrounding community is remarkable. It is both an honor and a great pleasure to represent her in the United States Senate.

TRIBUTE TO WALTER GALLO
UPON HIS RETIREMENT

Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Walter John Gallo, Vice President for the Endowment at Saint Anselm's College, upon his retirement.

Gallo, who graduated from Saint Anselm's College in 1958, has faithfully served the college and the surrounding community for the past thirty years.

In addition to holding the position of Vice President of the Endowment, he has also been Alumni Director and Vice President for Development. I applaud his hard work and dedication in these positions, raising more than 2.5 million dollars over the last fundraising goal and establishing a nationwide alumni network for the college.

In addition to giving to Saint Anselm’s College, Gallo is an active member of both the local and state community, as well as several national organizations. He has been active with the Council for the Advancement and Support of Education, the National Society of Fund Raising Executives, Catholic Medical Center, New Hampshire Center for the Preforming Arts, the National Commission on Alcohol and Drug Abuse, New Horizons for New Hampshire, the Manchester Diocesan School Development Committee and the Bedford Museum Board.

Walter Gallo is truly an extraordinary individual. He has worked tirelessly and selflessly for Saint Anselm’s College, the surrounding communities, the state and several national organizations while still finding time for his family and his personal hobbies which include Italian culture, reading, carpentry and sports.

I commend Walter and wish him the best upon his retirement. It has been a pleasure to work with him in years past, and it is truly an honor to represent him in the United States Senate.

TRIBUTE TO SECURE CARE PRODUCTS

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Secure Care Products for receiving the United States Small Business Administration’s “Small Business Exporter of the Year” award for 2000.

A designer and manufacturer of electronic monitoring systems for nursing homes and hospitals, Secure Care Products began exporting to Canada in 1994 and currently exports to over six foreign countries, including Ireland and England.

As a small business, they have demonstrated that they can succeed in the global arena, and I commend them for their hard work and dedication to their field. Their innovative solutions are providing necessary items to companies across the world, and I applaud their efforts.

A former small business owner myself, I am continually impressed by small businesses in New Hampshire that have the initiative and vision to take their product to the global market. It is an honor and a pleasure to represent all of the employees of Secure Care Products in the United States Senate.

TRIBUTE TO THE BELKNAP COUNTY ECONOMIC DEVELOPMENT GROUP

Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Belknap County Economic Development Group for receiving the 2000 United States Small Business Administration’s “Financial Services Advocate of the Year” award.

Financial service advocates play an integral role in the success of a small business, particularly in their assistance with access to credit. The Belknap County Economic Development Group at New Hampshire have been assisting small businesses in surrounding communities with great success since 1992.

Initially formed to address economic issues plaguing the area at the time, it later expanded to assisting small businesses struggling to get off the ground. It currently operates a revolving loan fund and two micro-lending programs, as well as provides technical assistance and counseling.

As a former small business owner in the state, I commend the Belknap County Economic Development Group for their hard work and dedication. It is truly an honor to represent them in the United States Senate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans and Mr. Williams, his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate the following messages from the President of the United States submitting sundry nominations and treaties which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON PROGRESS TOWARD ACHIEVING BENCHMARKS IN BOSNIA—MESSAGE FROM THE PRESIDENT—PM 123

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States: As required by the Levin Amendment to the 1998 Supplemental Appropriations and Recissions Act (section 7 of Public Law 105-174) and section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), I transmit here-with a report on progress made toward achieving benchmarks for a sustainable peace process.

In April 2000, I sent the third semiannual report to the Congress under Public Law 105-174, detailing progress towards achieving the ten benchmarks adopted by the Peace Implementation Council and the North Atlantic Council for evaluating implementation of the Dayton Accords. This report provides an updated assessment of progress on the benchmarks for the period January 1 through June 30, 2000.

In addition to the semiannual reporting requirements of Public Law 105-174, this report fulfills the requirements of section 1203 in connection with my Administration’s request for funds for FY 2001.

WILLIAM J. CLINTON.
MESSAGES FROM THE HOUSE
At 2:37 p.m., a message from the House of Representatives, delivered by Ms. Noland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the conference committee with the Senate:

H.R. 4205.

An act to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe strengths for such fiscal year for the Armed Forces, and for other purposes, and agrees to the conference asked by the Senate, striking out the two Houses thereon; and appoints the following members as the managers of the conference of the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. Spence, Mr. Stump, Mr. Hunter, Mr. Kasich, Mr. Bateman, Mr. Hansen, Mr. Weldon of Pennsylvania, Mr. Hefley, Mr. Saxton, Mr. Buyer, Mr. Fowler, Mr. McHugh, Mr. Talent, Mr. Everett, Mr. Bartlett of Maryland, Mr. McKeon, Mr. Watts of Oklahoma, Mr. Thornberry, Mr. Hostetler, Mr. Chambliss, Mr. Skelton, Mr. Sisisky, Mr. Spratt, Mr. Michaud, Mr. Evans, Mr. Taylor of Mississippi, Mr. Abercrombie, Mr. Meehan, Mr. Underwood, Mr. Allen, Mr. Snyder, Mr. Maloney of Connecticut, Mr. McIntyre, Mr. Tauscher, and Mr. Thompson of California: Provided, That Mr. Kuykendall is appointed in lieu of Mr. Kasich for consideration of section 2863 of the House bill, and section 2862 of the Senate amendment, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. Goss, Mr. Lewis of California, and Mr. Dixon.

From the Committee on Commerce, for consideration of sections 601, 725, and 1501 of the House bill, and sections 342, 601, 618, 701, 1073, 1402, 2812, 3131, 3133, 3134, 3138, 3152, 3154, 3155, 3157–3169, 3171, 3201, and 3301–3303 of the Senate amendment, and modifications committed to conference: Mr. Bliley, Mr. Bnsen of California, Mr. McDermott, Mr. Spellman, Mr. Gutierrez, and Mr. Kendrick: Provided, That Mr. Bilirakis is appointed in lieu of Mr. Barton of Texas for consideration of sections 601 and 725 of the House bill, and sections 601, 618, 701, and 1073 of the Senate amendment, and modifications committed to conference: Provided further, That Mr. Oxley is appointed in lieu of Mr. Barton of Texas for consideration of sections 601 of the House bill, and sections 342 and 3121 of the Senate amendment, and modifications committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 341, 342, 344, and 1106 of the House bill, and sections 503, 669, 1053, and title XXXV of the Senate amendment, and modifications committed to conference: Mr. Goodling, Mr. Hillery, and Mrs. Mill of Hawaii.

From the Committee on Government Reform, for consideration of sections 518, 651, 723, 801, 906, 1101–1104, 1106, 1107, and 3137 of the House bill, and sections 643, 651, 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1069, 1073, 1101, 1102, 1104, 1105–1108, 1115, title XIV, 3121, and 3171 of the Senate amendment, and modifications committed to conference: Mr. Burton of Indiana, and Mr. Scaborough, and Mr. Waxman: Provided, That Mr. Horn is appointed in lieu of Mr. Scaborough for consideration of section 801 of the House bill and sections 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1069, 1101, title XIV, 2871, and 2881 of the Senate amendment, and modifications committed to conference: Provided further, That Mr. McCrugh is appointed in lieu of Mr. Scaborough for consideration of section 1073 of the Senate amendment, and modifications committed to conference.

From the Committee on House Administration, for consideration of sections 561–563 of the Senate amendment, and modifications committed to conference: Mr. Thomas, Mr. Boehner, and Mr. Hooyer.

From the Committee on International Relations, for consideration of sections 1201, 1205, 1209, 1210, title XIII, and 3136 of the House bill, and sections 1011, 1201–1203, 1206, 1208, 1209, 1212, 1214, 3178, and 3193 of the Senate amendment, and modifications committed to conference: Mr. Gilman, Mr. Goodling, and Mr. Gejdenson.

From the Committee on the Judiciary, for consideration of sections 543 and 906 of the House bill and sections 543, 544, 906, 908, 1106, title XV, and title XXXV of the Senate amendment, and modifications committed to conference: Mr. Hyde, Mr. Canady of Florida, and Mr. Conyers.

From the Committee on Resources, for consideration of sections 311, 3111, 3112, 3113, 3114, 3115, 3116–3118, 3125, 3126, 3129, and 3130–3133 of the Senate amendment, and modifications committed to conference: Mr. Young of Alaska, Mr. Tauzin, and Mr. George Miller of California.

From the Committee on Science, for consideration of sections 1402, 1403, 3161–3167, 3169, and 3176 of the Senate amendment, and modifications committed to conference: Mr. Houghton, Mr. Dingell, Mr. Barton, Mr. Bilirakis, Mr. Barton of Texas, and Mr. Yarmuth.
amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CALVERT, and Mr. GORDON: Provided, That Mrs. MORELLA is appointed in lieu of Mr. CALVERT for consideration of sections 1402, 1403, and 3176 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 2839, and 2881 of the House bill, and sections 562, 566, 648, 664, 666, 671, 672, 692-694, 697 of the Senate amendment, and modifications committed to conference: Mr. SHUBSTER, Mr. GILCHREST, and Mr. BAIRD: Provided, That Mr. PASCRELL is appointed in lieu of Mr. BAIRD for consideration of section 1072 of the Senate amendment, and modifications committed to conference.

From the Committee on Veterans' Affairs, for consideration of sections 535, 738, 2831 of the House bill, and sections 561-563, 646, 664-666, 671, 672, 682-684, 697 of the Senate amendment, and modifications committed to conference: Mr. BILLIKAS, Mr. QUINN, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of section 725 of the House bill, and section 721 of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, and Mr. STARK.

At 6:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills; which it requests concurrence of the Senate:

H.R. 4865. An act to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

H.R. 4920. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

At 7:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill; which it requests concurrence of the Senate:

H.R. 4286. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution of the Senate:

H. Con. Res. 381. A concurrent resolution expressing the sense of the Congress that there should be established a National Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 4040) 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, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes, with amendments; which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 2327. An act to establish a Commission on Ocean Policy, and for other purposes.

H.R. 4818. An act to provide for reconciliation pursuant to section 100(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4437. An act to grant the United States Postal Service the authority to issue semipostals, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 7:29 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker pro tempore (Ms. MORELLA) has signed the following enrolled bill:

H.R. 4576. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bills were read twice and placed on the calendar:

H.R. 3334. An act to amend the Controlled Substances Act with respect to registration requirements for practitioners who dispense narcotic drugs in schedule IV or V for maintenance treatment or detoxification treatment.

H.R. 4920. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

The following bills were read the second time and placed on the calendar:

S. 2940. A bill to authorize additional assistance for international health care 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.

S. 2941. A bill to amend the Federal Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the influence of soft money, and increasing individual contribution limits, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 728. An act to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of the Treasury to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resource projects previously funded by the Secretary under such Act or related laws.

H.R. 1102. An act to provide for pension reform, and for other purposes.

H.R. 1294. An act to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee.

H.R. 2348. 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. 3048. An act to amend section 879 of title 18, United States Code, to provide clarity in the procedures for the award of matching grants for the purchase of armor vests.
H.R. 4079. An act to require the Comptroller General of the United States to conduct a comprehensive fraud audit of the Department of Education.

H.R. 4080. An act to amend the Communications Act of 1934 to clarify the service obligations of noncommercial educational broadcast stations.

H.R. 4082. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

H.R. 4085. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4088. An act to protect innocent children.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Cultural District Compact.

H.R. 4881. An act to provide for the adjustment of status of certain Syrian nationals.

H.J. Res. 72. Joint resolution granting the authority to the States of Alabama, Florida, Georgia, and Tennessee and to Nashville-Davidson Metropolitan Planning Authority to the States of Alabama, Florida, Georgia, and Tennessee and to Nashville-Davidson Metropolitan Planning District, together with the State of North Carolina'' (FRL6729-8) received on July 12, 2000; to the Committee on Environment and Public Works.

EC–10006. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL6841-9), "FY 2001 Waste Disposal and Redevelopment Grants" (FRL6838-7), "Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Metropolitan Culture District Compact."

EC–10007. A communication from the Assistant Secretary, Civil Works, Department of the Army, transmitting, pursuant to law, a report relative to an environmental restoration and recreation project along the Rio Salado and Indian Bend Wash in Phoenix and Tempe, Arizona, to the Committee on Environment and Public Works.

EC–10008. A communication from the Chairman of the Board of Governors of the Federal Reserve System, pursuant to law, the Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–10009. A communication from the Assistant Secretary for Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Certification Processing for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Delegation of Authority to Adjudicate Petitions" (RIN1205–AB23) received on July 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10010. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Marine Terminals, and Gear Certification; Final rule; technical amendments" (RIN1218–AA56) received on July 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10011. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interstate Plan Shares; Post Withdrawal Beneficiary and Pensions Benefits" received on July 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10012. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Code of Federal Regulations; Technical Amendment" (Docket No. 06–0396) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10013. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "ANDA Approvals, and 180-Day Exclusivity" (RIN85N–0214) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10014. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Requirement for Premarket Approval for a Class III Premendments Obstetric and Gynecological Device" (RIN97C–0486) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10015. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Phaffia Yeast" (RIN97C–0486) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10016. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Haematococcus Algae Meal" (RIN97C–0486) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10017. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers" (RIN990–AA30) received on July 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10018. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities in Federally-Funded Children’s Programs" (RIN990–AA44) received on July 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10019. A communication from the Administrator of the Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter 41–98, change 1-Application of the Prevaling Conditions of Work Requirement—Questions and Answers"; to the Committee on Health, Education, Labor, and Pensions.

EC–10020. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities Waivers" (RIN9125–AA84) received on July 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10021. A communication from the Assistant Secretary of Land and Minerals Management, Engineering and Operations Division, General Accounting Office, transmitting, pursuant to law, the report of a rule entitled "Communication on Ocean Policy, and for other purposes.

EC–10022. A communication from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Savings Performance Contracting;
Technical Amendments (RIN1094-A907) received on July 24, 2000; to the Committee on Energy and Natural Resources.

EC–10023. A communication from the Administrator of the Office of Personnel Management, transmitting, pursuant to law, a report on National Natural Landmarks; to the Committee on Energy and Natural Resources.

EC–10024. A communication from the Director of the Office of Insular Affairs, Department of the Interior, transmitting, pursuant to law, a report entitled: Impact of the Compact of Free Association on Guam, the Northern Mariana Islands, and Hawaii; to the Committee on Energy and Natural Resources.


EC–10027. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-364 entitled “Underage Drinking and Alcohol Amendment Act of 2000” adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.


EC–10034. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13-382 entitled “Campaign Finance Disclosure and Enforcement Amendment Act of 2000” adopted by the Council on June 6, 2000; to the Committee on Governmental Affairs.

EC–10035. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled “Prevailing Rate Systems Change in the Federal Employees’ Group Health Insurance Plan for the Orleans, LA, Nonappropriated Fund Wage Area” (RIN2006-A105) received on July 19, 2000; to the Committee on Governmental Affairs.

EC–10036. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Handicapped, pursuant to law, the report of additions to the procurement list received on July 19, 2000; to the Committee on Governmental Affairs.

EC–10037. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the report of the Inspector General for the period of October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–10038. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Handicapped, pursuant to law, the report of the Inspector General for the period of October 1, 1998 through September 30, 1999; to the Committee on Governmental Affairs.

EC–10039. A communication from the Comptroller General of the United States, Office of the Comptroller General, transmitting, pursuant to law, the report entitled “Month in Review: May 2000”; to the Committee on Governmental Affairs.


EC–10042. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled “Bifenthrin; Pesticide Tolerance” (FRL6585-1), and “Methoxyfenozide; Pesticide Tolerance” (FRL6585-1) received on July 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10043. A communication from the Secretary of the Department of Agriculture, transmitting, a draft of proposed legislation to expand the eligibility for emergency farm loans; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10044. A communication from the Associate Administrator of Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Final Rule for Dairy Forward Pricing Pilot Program” (Docket Number: DA-00-06) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10045. A communication from the Administrator of the Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “7 CFR Part 1755, General Policies, Types of Loan Guarantees; Electronic Loan Servicing Program (Mobile Telecom Service)” (RIN0572-A185) received on July 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10046. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Raisins Produced From Grapes Grown In California; Increase in Deferment of Unutilized Compute Trade Demand” (Docket Number: V’00-989-3 FR) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10048. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Interstate Movement of Certain Land Tortoises” (Docket Number 00-016-2) received on July 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10049. A communication from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled “Fenbuconazole; Extension of Tolerances for Emergency Exemptions” (FRL6596-6) and “Imidacloprid; Extension of Tolerance for Emergency Exemptions” (FRL6597-1) received on July 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10050. A communication from the Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled “Adjusting Civil Money Penalties for Inflation” (78 FR6833) received on July 21, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10052. A communication from the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled “bacillus Subtilis Strain QST 713; Exemption from the Requirement of a Toler- ance” (FRL6535-9) and “Methoxyfenozide; Benzoic Acid, 3 methoxy 2 methyl 2 (3,5 dimethylbenzoyl) 2 (1,1dimthylethyl) hydra- zide: Pesticide Tolerance” (FRL6506-5) received on June 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–611. A resolution adopted by the Borough of Lavallette, New Jersey, relative to the “Mud Dump Site” to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2796: A bill to provide for the conserva- tion and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. No. 106-362).

By Mr. SMITH of New Hampshire, from the Committee on Environment and Public Works, with amendments:

S. 2797: A bill to authorize a comprehensive Everglades restoration plan (Rept. No. 106-363).

By Mr. THOMPSON, from the Committee on Governmental Affairs:


By Mr. HELMS, from the Committee on Foreign Relations, with an amendment and with an amended preamble:
S. Res. 334: A resolution 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, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 113: A bill to increase the criminal penalties for assaulting or threatening Federal judges, their families, members, and other public officials not engaged in other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 803: A bill to provide for class action reform, and for other purposes.

S. 783: A bill to limit access to body armor by violent felons and to facilitate the donation of federal surplus body armor to State and local law enforcement agencies.

S. 1865: A bill to provide grants to establish demonstration mental health courts.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:


By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2272: A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes, consistent with the Adoption and Safe Families Act of 1997.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2279: A bill to authorize the addition of land to Sequoia National Park, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2289: A bill for the relief of Jose Guadalupe Talvez Pinales.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2943: An original bill 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.

By Mr. HATCH, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. 2946: A concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnose, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services:

James Edgar Baker, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness. (New Position)

Donald Mancuso, of Virginia, to be Inspector General of Department of Defense. (New Position)

The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. WARNER. Mr. President, for the Committee on Armed Services.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieu tenant general

Maj. Gen. Raymond P. Huot, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieu tenant general

Lt. Gen. Thomas R. Case, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., Section 12233:

To be lieu tenant general

Brig. Gen. Alexander R. Burg, 0000

To be lieu tenant general

Col. Jonathan P. Small, 0353

Maj. Gen. Raymond P. Huot, 0000

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 lieu tenant general

Maj. Gen. Joseph M. Cosumano, Jr., 0000

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 lieu tenant general

Maj. Gen. Freddy E. McFarren, 0000

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 lieu tenant general

Lt. Col. Michael E. Dodson, 0000

The following officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Dennis M. Woofter, 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 rear admiral

Capt. Dennis M. Woofter, 0000

Vice Adm. Scott A. Fry, 0000

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting, to change the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Michael R. Marohn, which was received by the Senate and appeared in the Congressional Record on July 20, 2000.

Army nominations beginning * Robert S. Adams, Jr. and ending * Sharon A. West, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2000.

Navy nominations beginning Thomas A. Ashbaugh and ending John W. Zink, which nominations were received by the Senate and appeared in the Congressional Record on April 1, 2000.

Navy nominations beginning Roy I. Apsejoff and ending John D. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 11, 2000.

Marine Corps nominations of Thomas J. Consabine, which was received by the Senate and appeared in the Congressional Record on July 18, 2000.

Marine Corps nominations beginning Abdullah al-Azemi and ending Daniel M. Zonavetch, which nominations were received by the Senate and appeared in the Congressional Record on July 18, 2000.

By Mr. ROTH, for the Committee on Finance:

Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade.

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BYRD:
S. 2945. A bill to provide technical assistance, capacity building grants, and organizational support to private, nonprofit community development organizations, including religiously-affiliated organizations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TORRICELLI:
S. 2954. A bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program; to the Committee on Commerce, Science, and Transportation.

By Mr. NEWINE (for himself, Mr. HATCH, Mr. Voinovich, and Mr. LEAHY):
S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide relief for the payment of asbestos-related claims; to the Committee on Finance.

By Mr. BREAUX:
S. 2966. A bill to amend the Clean Air Act of 1966 to facilitate competition in the electric power industry; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:
S. 2970. A bill to provide for summer academic enrichment programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM:
S. 2971. A bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the Medicare program; to the Committee on Finance.

By Mr. DeWINE:
S. 2972. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:
S. 2980. A bill to provide for qualified withdrawal of the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Fund assets to individual retirement plans; to the Committee on Finance.

By Mr. WYDEN:
S. 2981. A bill to amend the Customs drawback statute to authorize payment of drawback where imported merchandise is recycled rather than destroyed; to the Committee on Finance.

By Mr. SMITH of New Hampshire:
S. 2982. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself, Mr. GRAHAM, and Mr. GORTON):
S. 2983. A bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available Medicaid drug pricing information; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. LANDRIB):
S. 2984. A bill to amend the Internal Revenue Code of 1986 to provide for accelerated depreciation for small businesses, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. BREAUX, and Mr. CLELAND):
S. 2985. A bill to amend the Merchant Marine Act of 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. BAUCUS, Mr. EDWARDS, and Mr. ROTH):
S. 2986. A bill to amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes; to the Committees on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself, Mr. GORTON, Mr. RYAN, Mr. JEFFORDS, and Mr. THOMPSON):
S. 2987. A bill to amend the Internal Revenue Code of 1986 to promote greater tax simplification and for other purposes; to the Committee on Finance.

By Mr. ALLARD:
S. 2988. A bill to empower communities and individuals by coordinating and reforming the programs of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON:
S. 2989. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide the funding necessary to prevent the erosion of the retirement income security of working Americans; to the Committee on Finance.

By Mrs. WALTERS:
S. 2990. A bill to provide for the amendment of the Carter Administration's major limitations on the ability of the United States to take effective action to stop the PLO from using terrorist tactics against Israeli civilians; to the Committee on Foreign Relations.

By Mr. SHELBY (for himself, Mr. CUBANAS, Mr. HARKIN, and Mr. HAMPTON):
S. 2991. A bill to provide the Secretary of Commerce with the authority to make Federal loan guarantees for programs that are intended to foster international economic development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK:
S. 2992. A bill to amend the Foreign Assistance Act of 1961 to require the President to consult with Congress before making agreements with any country for the cooperative development of hydroelectric projects in the State of West Virginia; to the Committee on Foreign Relations; placed on the Calendar.

By Mrs. MARSHALL:
S. 2993. A bill to promote the provision of retirement investment advice to workers managing their retirement assets; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSTON:
S. 2994. A bill to authorize the Social Security Administration to make payments to Rock Island, Montana, to be used for the purpose of improving the condition of their employee status; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. BROWNBACK):
S. 2995. A bill to encourage respect for the rights of religious and ethnic minorities in Iran, by imposing sanctions on international terrorism, and from furthering its weapons of mass destruction programs; to the Committee on Finance.

By Mr. INhofE:
S. 2996. A bill to amend the Federal Water Pollution Control Act to establish a program for the establishment of state plans and for other purposes; to the Committee on Environment and Public Works.

By Mr. DeWINE:
S. 2997. A bill to provide for qualified withdrawal of the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Fund assets to individual retirement plans; to the Committee on Finance.

By Mr. WyDEN:
S. 2998. A bill to amend the Customs drawback statute to authorize payment of drawback where imported merchandise is recycled rather than destroyed; to the Committee on Finance.

By Mr. SMITH of New Hampshire:
S. 2999. A bill to amend the Clean Air Act to address problems concerning methyl tertiary butyl ether, and other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself, Mr. GRAHAM, and Mr. GORTON):
S. 3000. A bill to amend the Internal Revenue Code of 1986 to provide for accelerated depreciation for small businesses, and for other purposes; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. LANDRIB):
S. 3001. A bill to amend the Internal Revenue Code of 1986 to provide for accelerated depreciation for small businesses, and for other purposes; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. BREAUX, and Mr. CLELAND):
S. 3002. A bill to amend the Merchant Marine Act of 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. BAUCUS, Mr. EDWARDS, and Mr. ROTH):
S. 3003. A bill to amend the Fair Labor Standards Act of 1938 to prohibit retaliation and confidentiality policies relating to disclosure of employee wages, and for other purposes; to the Committees on Health, Education, Labor, and Pensions.

By Mr. MURKOWSKI (for himself, Mr. GORTON, Mr. RYAN, Mr. JEFFORDS, and Mr. THOMPSON):
S. 3004. A bill to amend the Internal Revenue Code of 1986 to promote greater tax simplification and for other purposes; to the Committee on Finance.

By Mr. ALLARD:
S. 3005. A bill to empower communities and individuals by coordinating and reforming the programs of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GORTON:
S. 3006. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide the funding necessary to prevent the erosion of the retirement income security of working Americans; to the Committee on Finance.

By Mrs. WALTERS:
S. 3007. A bill to provide the Secretary of Commerce with the authority to make Federal loan guarantees for programs that are intended to foster international economic development; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSTON:
S. 3008. A bill to authorize the Social Security Administration to make payments to Rock Island, Montana, to be used for the purpose of improving the condition of their employee status; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. BROWNBACK):
S. 3009. A bill to encourage respect for the rights of religious and ethnic minorities in Iran, by imposing sanctions on international terrorism, and from furthering its weapons of mass destruction programs; to the Committee on Finance.
S. 2972. A bill to combat international money laundering and protect the United States financial system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. HOLLINGS):  
S. 2973. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:  
S. 2975. A bill to amend title X of the Social Security Act to provide for equitable reimbursement rates under the Medicare+Choice program; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. BYRD, and Mrs. BOXER):  
S. 2976. A bill to amend the Internal Revenue Code of 1986 to expand the prohibition on accepting gifts, and to prohibit the acceptance of seminars, to prohibit the acceptance of seminar gifts, and for other purposes; to the Committee on Finance.

By Mr. FEINSTEIN:  
S. 2977. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. BYRD, and Mrs. BOXER):  
S. 2978. A bill to authorize the exchange of Tribal College and University resources for the purpose of improving Tribal College and University programs; to the Committee on Indian Affairs.

By Mr. GRAHAM (for himself and Mr. MACK):  
S. 2979. A bill to amend the Internal Revenue Code of 1986 to clarify the status of beneficiaries with medicare cost-sharing under the State children's health insurance program; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. CONRAD, Mr. BAUCUS, Mr. KERRY, Mr. KIHL, Mr. AKAKA, Mr. JOHNSON, Mr. REID, Mr. KENNEDY, and Mr. DODD):  
S. 2980. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

By Mr. GRAHAM (for himself and Mr. MACK):  
S. 2981. A bill to amend title XIX of the Social Security Act to permit the enrollment of certain uniforms to not more than 15 percent of premium revenues; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. JOHNSON):  
S. 2982. A bill to amend the Food Security Act of 1985 to permit the enrollment of certain uniforms to not more than 15 percent of premium revenues; to the Committee on Finance.

By Mr. DASCHLE, Mr. DeWEINE, Mr. KERRY, Mr. GRASSLEY, Mr. BYRD, and Mr. LUGAR:  
S. 2983. A bill to provide for the return of land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CONRAD:  
S. 2984. A bill to amend the Internal Revenue Code of 1986 to provide a refundable caregivers tax credit; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. HUTCHINSON):  
S. 2985. A bill to amend the Agricultural Trade Act of 1978 to authorize the Commodity Credit Corporation to reallocate certain obligated funds from the export enhancement program to other agricultural trade development and assistance programs; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. THOMPSON, Mr. WARNER, Mr. NICKLES, and Mr. KYL):  
S. 2986. A bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, Mr. THOMAS, and Mr. STEFANIC):  
S. 2987. A bill to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to conduct a review of the methodologies used by the Health Care Financing Administration in establishing the Medicare payment rates for hospitals, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. BREAUX, Mr. BOND, and Mr. HOLLINGS):  
S. 2988. A bill to establish a National Commission on Space; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCAIN (for himself and Mr. KERRY):  
S. 2989. A bill to provide for the technical integration of the FM radio band, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself and Mr. CARTER, Mr. FENNO):  
S. 2990. A bill to amend chapter 42 of title 28, United States Code, to establish the Judicial Education Fund for the payment of reasonable travel expenses incurred by judges participating in seminars, to prohibit the acceptance of seminar gifts, and for other purposes; to the Committee on the Judiciary.

By Mr. ABRAHAM:  
S. 2991. A bill to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the medicare program, and for other purposes; to the Committee on Finance.

By Mr. ROBB:  
S. 3000. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS  
The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. WARNER, Mr. BINGAMAN, Mrs. BOXER, Mr. CAMPBELL, Mr. DASCHLE, Mr. DODD, Mr. DURBIN, Ms. FEINSTEIN, Mr. GORTON, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Ms. McKULIK, Mr. MOTLEY, Mr. REID, Mr. REID, Mr. ROBINSON, Mr. SARBANS, Mr. SCHUMER, Mr. SPECTER, Mr. TORRICELLI, and Mr. WELLSTONE):  
S. Res. 345. A resolution designating October 17, 2006, as a “Day of National Concern About Young People and Gun Violence”; to the Committee on the Judiciary.

By Mrs. BOXER:  
S. Res. 346. A resolution acknowledging that the undefeated and untied 1951 University of San Francisco football team suffered an injustice by not being invited to any post-season Bowl game due to racial prejudice that prevailed at the time and seeking unrected American communities as the “Paul D. Coverdell Fellows Program”; considered and passed.

By Mr. ABRAHAM (for himself, Mr. COCHRAN, and Mr. GRAMS):  
S. 2999. A bill to amend title XVIII of the Social Security Act to authorize the Secretary of the Interior to conduct a review of Federal contractors' compliance with applicable laws, and for other purposes; to the Committee on Finance.

By Mr. ROBB:  
S. 3000. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes; to the Committee on Energy and Natural Resources.
appropriately recognized for the surviving members of that championship team; considered and agreed to.

By Mr. LOTT:

S. Con. Res. 132. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. JEFFORDS:

S. Con. Res. 133. A concurrent resolution to correct the enrollment of S. 1809; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX.

S. 2944. A bill to clarify that certain penalties provided for in the Oil Pollution Act of 1990 are the exclusive criminal penalties for any action or activity that may arise or occur in connection with certain discharges of oil or a hazardous substance; to the Committee on Environment and Public Works.

STRICT CRIMINAL LIABILITY REFORM FOR OIL SPILL INCIDENTS

Mr. BREAUX. Mr. President, I am pleased to introduce legislation to address a long-standing problem which adversely affects safe and reliable maritime transport of oil products. The legislation I am introducing today will eliminate the application and use of strict criminal liability statutes, statutes that do not require a showing of criminal intent or even the slightest degree of negligence, for maritime transportation-related oil spill incidents.

Through comprehensive Congressional action that led to the enactment and implementation of the Oil Pollution Act of 1990, commonly referred to as “OPA90”, the United States has successfully reduced the number of oil spills in the maritime environment and has established a cooperative public/private partnership to respond effectively in the diminishing number of situations when an oil spill occurs. Nonetheless, over the past decade, the use of the unrelated strict criminal liability statutes that I referred to above has undermined the spill prevention and response objectives of OPA90, the very objectives that were established by the Congress to preserve the environment, safeguard the public welfare, and promote the safe transportation of oil. The legislation I am introducing today will restore the delicate balance of interests reached in OPA90, and will reaffirm OPA90’s preeminent role as the statute providing the exclusive criminal penalties for oil spill incidents.

As stated in the Coast Guard’s own environmental enforcement directive, a company, its officers, employees, and mariners, in the event of an oil spill “could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge.” Only responsible operators in my home state of Louisiana and elsewhere in the United States who transport oil are unavoidsably exposed to potentially immeasurable criminal fines and, in the worst case scenario, jail time. Not only is this situation unfairly targeting an industry that plays an extremely important role in our national economy, but it also works contrary to the public welfare.

Most liquid cargo transportation companies on the coastal and inland waterway system of the United States have embraced safe operation and risk management as two of their most important and fundamental values. For example, members of the American Waterways Operators (AWO) from Louisiana and other states have implemented stronger safety programs that have significantly reduced personal injuries to mariners. Tank barge fleets have been upgraded through construction of new state-of-the-art double hulled tank barges while obsolete single skin barges are being retired far in advance of the OPA90 timetable. Additionally, AWO members have dedicated significant time and financial resources to provide continuous and comprehensive education and training for vessel captains, crews and shoreside staff, not only in the operation of vessels but also in the management of the potential for oil contingencies that could occur in the transportation of oil products. This commitment to marine safety and environmental protection by responsible members of the oil transportation industry has significantly reduced on-water environmental spills.

Moreover, intense efforts have been continually under way to work closely with the Coast Guard to upgrade regulatory standards in such key areas as towing vessel operator qualifications and navigation equipment on towing vessels. The efforts of AWO and other organizations, the maritime transportation industry has achieved an outstanding compliance record with the numerous laws and regulations enforced by the Coast Guard.

The industry is ready to respond effectively in the circumstances in which criminal penalties could be imposed for actions related to maritime oil spills, and added and/or substantially increased criminal penalties under the related laws which comprehensively govern the maritime transportation of oil and other petroleum products.

The legislation we are introducing today will not change in any way the tough criminal sanctions that were imposed by OPA90. However, the law-abiding members of the maritime industry in Louisiana and elsewhere are concerned by the willingness of the State of Louisiana and elsewhere are concerned by the willingness of the Department of Justice and other federal agencies in the post-OPA90 environment to use strict criminal liability statutes in oil spill incidents. As you know, strict liability imposes criminal sanctions without requiring a showing of criminal knowledge, intent or even negligence. These federal actions imposing strict liability have created an atmosphere of uncertainty for the maritime transportation industry about how to respond to and cooperate with the Coast Guard and other federal
Migrtary Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) provides that "it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill...[c]rimes relating to migratory birds...are punishable by imprisonment and/or fines. Prior to the Exxon Valdez oil spill in 1989, the MBTA was primarily used to prosecute the illegal activities of hunters and violators of migratory birds, as the Congress originally intended when it enacted the MBTA in 1918. In the Exxon Valdez case itself, and prior to the enactment of OPA90, the MBTA was first used to support a criminal prosecution against a vessel owner in relation to a maritime oil spill, and this "hunting statute" has been used ever since against the maritime industry. The "Refuse Act" (33 U.S.C. 407, 411) was enacted over 100 years ago and was never intended to become a modern-day criminal statute. The only method available to companies, corporate officers and employees, and mariners.

The MBTA (1918) and the Offshore Protection Act of 1972 in the United States and the OPA90 legislation (1990) essentially re-enabled federal prosecutors to criminally investigate and prosecute the illegal activities of the maritime industry in the United States. The MBTA, the Offshore Protection Act of 1972, and the OPA90 legislation have been used ever since against the maritime industry.

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mariners are the only available crew to handle the most hazardous cargoes, or the least responsible operators are the only available carriers. Thus, the unavoidable risk of such criminal liability directly and adversely affects the safe transportation of oil products, an activity essential for the public, the economy, and the nation.

Therefore, despite the commitment and effort to provide trained and experienced vessel operators and employers, to comply with all safety and operational mandates of Coast Guard laws and regulations, and to provide for the safe transportation of oil as required by OPA90, maritime transportation companies in Louisiana, and elsewhere still cannot avoid criminal liability by the event of an oil spill. Responsible, law-abiding companies have unfortunately been forced to undertake the only prudent action that they could under the circumstances, namely the development of criminal liability action plans and retention of criminal counsel in an attempt to prepare for the unavoidable risks of such liability. These are only preliminary steps and do not begin to address the many implications of increasing criminalization of oil spills. The industry is now asking what responsibility does it have to educate its mariners and shore-side staff about the potential personal exposure they may face and wonder how to do this without creating many undesirable consequences? How should the industry organize spill management teams and educate them on how to cooperate openly and avoid unwitting exposure to criminal liability? Mr. President, I have thought about these issues a great deal and simply do not know how to resolve these dilemmas under current, strict liability law. In the event of an oil spill, a responsible party not only must manage the clean-up of the oil and the civil liability resulting from it, but also must protect itself from the criminal liability that now exists due to the available and willing use of strict liability criminal laws by the federal government. Managing the pervasive threat of strict criminal liability, by its very nature, prevents a responsible party from cooperating fully and completely in response to an oil spill situation. The OPA90 “blueprint” is no longer clear. Is this serving the objectives this really serves the public welfare of our nation? Is this what Congress had in mind when it mandated its spill response regime? Is this in the interest of the most immediate, most effective oil spill cleanup in the unfortunate event of a spill? We think not.

To restore the delicate balance of interests reached in the enactment of OPA90 a decade ago, we intend to work with the Congress to reaffirm the OPA90 framework for criminal prosecutions in all oil spill incidents. The enactment of the legislation we are introducing today will ensure increased cooperation and responsiveness desired by all those interested in oil spill response issues without diluting the deterrent effect and stringent criminal penalties imposed by OPA90 itself.

I look forward to continuing the effort to upgrade the safety of marine operations in the navigable waterways of the United States. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

SEC. 1. AFFIRMATION OF PENALTIES UNDER OIL POLLUTION ACT OF 1990. (a) IN GENERAL.—Notwithstanding any other provision or rule of law, section 4301(c) and 4302 of the Oil Pollution Act of 1990 (Public Law 101–380; 104 Stat. 575) and the amendments made by those sections provide the exclusive criminal penalties for any action or activity that may arise or occur in connection with a discharge of a hazardous substance referred to in section 311(b)(2)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1221(b)(2); (B). (b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit, or otherwise exempt any person from, liability for conspiracy to commit any offense against the United States stated in the statements, or for the obstruction of justice.

By Mr. KENNEDY (for himself, Mr. TORRICELLI and Mr. HARKIN):

S. 2946. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly disqualified from benefits under pension plans and welfare plans based on a misclassification of their employee status; to the Committee on Health, Education, Labor, and Pensions.

EMPLOYEE BENEFITS ELIGIBILITY FAIRNESS ACT

Mr. KENNEDY. Mr. President, contingent workers in our society face significant problems, and they deserve our help in meeting them. These men and women—temporary and part-time workers, contract workers, and independent contractors—continue to suffer unfairly, even in our prosperous economy. A new report from the General Accounting Office emphasizes that contingent workers often lack income security and retirement security.

We know that for most workers today, a single lifetime job is a relic of the past. The world is long gone in which workers stay with their employer for many years, and then retire on a company pension. Since 1982 the number of temporary help jobs has grown 777 percent.

The GAO report shows that 30 percent of the workforce—38 million working Americans—now get their paycheck from contingent jobs. Contingent workers have lower income than traditional, full-time workers and many are living in poverty. For example, 30 percent of agency temporary workers have family incomes below $15,000. By comparison, only 8 percent of standard full-time workers have family incomes below $15,000.

Contingent workers are less likely to be covered by employer health and retirement benefits than are standard, full-time workers. Even when employed by the same employer, contingent workers are less likely to participate in the plan, either because they are excluded or because the plan is too expensive. Only 21 percent of part-time workers are included in an employer-sponsored pension plan. By comparison, 69 percent of standard full-time workers are included in their employer’s pension plan.

Non-standard or alternative work arrangements can meet the needs of working families and employers alike, but these arrangements should not be used to divide the workforce into “haves” and “have-nots.” Flexible work arrangements, for example, can give working parents more time to care for their children, but many workers are not in their contingent jobs by choice. More than half of temporary workers would prefer a permanent job instead of their contingent job, but temporary work is all they can find.

As the GAO report makes clear, employers have economic incentives to cut costs by misclassifying their workers as temporary or contract workers. Too often, contingent arrangements are set up by employers for the purpose of excluding workers from their employee benefit programs and evading their responsibilities to their workers. Millions of employees have been misclassified by their employers, and as a result they have been denied the benefits and protections that they rightly deserve and worked hard to earn.

All workers deserve a secure retirement at the end of their working years. Social Security has been and will continue to be the best foundation for that security. But the foundation is just that—the beginning of our responsibility, not the end of it. We cannot expect Americans to support their lives, only to face poverty and hard times when they retire.

That is why I am introducing, with Senators TORRICELLI and HARKIN, the Employee Benefits Eligibility Fairness Act of 2000 to help contingent workers obtain the retirement benefits they deserve. This legislation clarifies employers’ responsibilities under the law so that they cannot exclude contingent workers from employee benefit plans based on artificial labels or payroll practices.

This is an issue of basic fairness for working men and women. It is unfair for individuals who work full-time, on an indefinite long-term basis for an employer to be excluded from the employer’s pension plan, merely because the employer classifies them as “temporary” when in fact they are not.

The employer-employee relationship should be determined on the facts of
the working arrangement, not on artificial labels, not on artificial accounting practices, not artificial payroll practices.

It is long past time for Congress to recognize the plight of contingent workers and ensure that they get the employee benefits they deserve. These important changes are critical to improving the security of working families, and I look forward to their enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2946

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 “Employee Benefits Eligibility Fairness Act of 2000”.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) No intent of the Employee Retirement Income Security Act of 1974 to protect the pension and welfare benefits of workers is frustrated by the practice of mislabeling employees, to exclude them from employee benefit plans. Employees are wrongfully denied benefits when they are mislabeled as temporary employees, part-time employees, leased employees, agency employees, staffing firm employees, and contractors. If their true employment status were recognized, mislabeled employees would be eligible for employee benefit plans because such plans are offered to other employees performing the same or substantially the same work and working for the same employer.

(2) Mislabeled employees are often paid through staffing, temporary, employee leasing, or other similar firms to give the appearance that they are not employees of their worksite employer. Employment contracts and reports to government agencies also are used to give the erroneously impression that mislabeled employees work for staffing, temporary, employee leasing, or other similar firms, when the facts of the work are not consistent with the common law standard for determining the employment relationship. Employees are also mislabeled as contractors and paid from non-payroll accounts to give the appearance that they are not employees of their worksite employer. These practices violate the Employee Retirement Income Security Act of 1974.

(3) Employers are amending their benefit plans to add provisions that exclude mislabeled employees from participation in the plan even in the event that such employees are determined to be common law employees. These practices violate the Employee Retirement Income Security Act of 1974.

(b) PURPOSE.—The purpose of this Act is to clarify applicable provisions of the Employee Retirement Income Security Act of 1974 to ensure that employees are not improperly excluded from participation in employee benefit plans as a result of mislabeling of their employment status.

SEC. 3. ADDITIONAL STANDARDS RELATING TO MINIMUM PARTICIPATION REQUIREMENTS.

(a) REQUIRED INCLUSION OF SERVICE.—Section 202(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052(a)(3)) is amended by adding at the end the following new subparagraph:

“(E) For purposes of this section, in determining ‘years of service’ and ‘hours of service’, service shall include all service for the employer as an employee under the common law, irrespective of whether the worker—

(1) is paid through a staffing firm, temporary help firm, payroll agency, employment agency, or other such similar arrangement,

(2) is paid directly by the employer under an arrangement purporting to characterize an employee under the common law as other than an employee, or

(3) is paid from a contract account established by an employer for the purpose of providing retirement benefits for employees who generally are not excluded from participation in the plan, or

(b) EXCLUSION PRECLUDED WHEN RELATED TO CERTAIN PURPORTED CATEGORIZATIONS.—Section 202 of such Act (29 U.S.C. 1052) is amended further by adding at the end the following new subsection:

“(c)(1) Subject to paragraph (2), a pension plan shall be treated as failing to meet the requirements of this section if any individual who—

(A) is an employee under the common law, and

(B) performs the same work (or substantially the same work) for the employer as other employees who generally are not excluded from participation in the plan, is excluded from participation in the plan, irrespective of the placement of such employee in any category of workers (such as temporary employees, part-time employees, leased employees, agency employees, staffing firm employees, contractors, or any similar category) which may be specified under the plan as ineligible for participation.

(2) Nothing in paragraph (1) shall be construed to preclude the exclusion from participation in a pension plan of individuals who in fact do not meet a minimum service requirement established under the terms of the plan and which is otherwise in conformity with the requirements of this section.

SEC. 4. WAIVERS OF PARTICIPATION INEFFECTIVE IF RELATED TO MISCLASSIFICATION OF EMPLOYEE.

Section 202 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1052) (as amended by section 3) is amended further by adding at the end the following new subsection:

“(d) Any waiver or purposed waiver by an employer of the minimum service requirement of a pension plan or welfare plan shall be ineffective if related, in whole or in part, to a misclassification of the employee in 1 or more ineligible status categories.

SEC. 5. OBJECTIVE ELIGIBILITY CRITERIA IN PLAN INSTRUMENTS.

Section 402 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1102) is amended by adding at the end the following new subsection:

“(c)(1) The written instrument pursuant to which any employee benefit plan is maintained shall set forth eligibility criteria which—

(A) Include and exclude employees on a uniform basis;

(2) are based on reasonable job classifications; and

“(C) are based on objective criteria stated in the instrument itself for the inclusion or exclusion (other than the mere listing of an employee as included or excluded).

(2) No plan instrument may permit an employer or plan sponsor to exclude an employee under the common law from participation irrespective of the placement of such employee in any category of workers (such as temporary employees, leased employees, agency employees, staffing firm employees, contractors, or any similar category) if the employee—

(A) is an employee of the employer under the common law,

(B) performs the same work (or substantially the same work) for the employer as other employees who generally are not excluded from participation in the plan, and

(C) meets a minimum service period or minimum age which is required under the terms of the plan.

SEC. 6. ENFORCEMENT.


(1) by striking “or” in clause (i) and inserting “; or”;

(2) by striking the semicolon at the end of clause (ii) and inserting “; or”, and

(3) by adding at the end the following:

“(iii) to provide relief to employees who have been misclassified in violation of sections 202 and 402;”.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to plan years beginning on or after the date of the enactment of this Act.

By Mr. CAMPBELL:

S. 2950. A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; to the Committee on Energy and Natural Resources.

INTRODUCTION OF LEGISLATION TO CREATE THE SAND CREEK NATIONAL HISTORIC SITE

Mr. CAMPBELL. Mr. President, today I introduce the Sand Creek Massacre National Historic Site Establishment Act of 2000, legislation which will finally recognize and memorialize the hallowed ground on which hundreds of peaceful Cheyenne and Arapaho Indians were massacred by members of the Colorado Militia.

The legislation I introduce today follows the Sand Creek Massacre National Historic Site Study Act of 1998, legislation I introduced and Congress approved to study the suitability of creating an enduring memorial to the slain innocents who were camped peacefully near Sand Creek in Kiowa County, in Colorado on November 28, 1868.

Much has been written about the horrors visited upon the plains Indians in the territories of the Western United States in the latter half of the 19th century. However, what has been lost for more than a century is a comprehensive understanding of the events of that day in a grove of cottonwood trees along Sand Creek now SE Colorado. In some cases denial of the events of the day or a sense that “the Indians had coming” has arisen.

This legislation finally recognizes a shameful event in our country’s history based on scientific studies, and
makes it clear America has the strength and resolve to face its past and learn the painful lessons that come with intolerance.

The indisputable facts are these: 700 members of the Colorado Militia, commanded by John Chivington, struck at dawn that November day, attacking a camp of Cheyenne and Arapaho Indians settled under the U.S. Flag and a white flag which the Indian Chiefs Black Kettle and White Antelope were told by the U.S. would protect them. By day's end, almost 150 Indians, many of them women, children and the elderly, lay dead. Chivington's men reportedly desecrated the bodies of the dead after the massacre, and newspaper reports from Denver at the time told of the troops displaying Indian body parts in a gruesome display as they rode through the streets of Colorado's largest city following the attack.

The legacy of this horrible attack which left Indian women and even babies dead, were never brought to justice even after a congressional investigation concerning this brutality.

The legislation I introduce today authorizes the National Park Service to enter into negotiations with willing sellers only, in an attempt to secure property inside a boundary which encompasses approximately 12,470 acres as identified by the National Park Service as a lasting memorial to events of that fateful day.

This legislation has been developed over the course of the last 18 months. It represents a remarkable effort which brought divergent points of view together to define the events of that day and to plan for the future protection of this site. The National Park Service, with the cooperation of the Kiowa County Commissioners, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe and the Northern Arapaho Tribe, the State of Colorado and many local landowners and volunteers have completed extensive cultural, geomorphological and physical studies of the area where the massacre occurred.

All of those involved in this project agree, not acting now is not a option. This legislation does not compel any private property owner to sell his or her property to the federal government. It allows the National Park Service to enter into negotiations with willing sellers to secure property at fair market value, for a national memorial. This process could take years. However, several willing sellers have come forward and are willing to negotiate with the NPS. The property they own has been identified by the NPS as suitable for a memorial. Additional acquisitions of property from willing sellers could come in the future. However, the Sand Creek National Historic Site could never extend beyond the 12,470 acres identified as the site resource study already completed.

This legislation has come to being because all of those involved have exhibited an extraordinary ability to put aside their differences, look with equal measure at the scientific evidence and the oral traditions of the Tribes, and come up with a plan that equally honors the memory of those killed and the rights of the private property owners who have been responsible stewards of this site. We have a window of opportunity here that will not always be available. I encourage my colleagues to respect the memory of those so brutally killed and support the creation of a National Historic Site on this hallowed ground in Kiowa County, in Colorado.

I ask unanimous consent that the bill and other research material associated with the studies of the Sand Creek site be printed in the Record for my colleagues or the public to review.

By Mr. TORRICELLI: S. 2953. A bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs to the Committee on Veterans' Affairs.

THE VETERANS' RIGHT TO KNOW ACT

Mr. TORRICELLI: Mr. President, I rise today to introduce the Veterans' Right to Know Act which will assist millions of brave Americans who have served this nation in times of war. This legislation would ensure that all veterans are fully informed of the various benefits that they have earned through their brave and dedicated service to their country.

Throughout the history of the United States, the interests of our nation have been championed by ordinary citizens who willingly defend our nation when called upon. During the times of crisis which threatened the very existence of our Republic, American men and women from all walks of life took up arms to defend the ideals by which this nation was founded. Whether it was winning our freedom from an oppressive empire, preserving our Union, defeating fascism or battling the spread of communism, the American people have time and time again answered the call to defend liberty, justice and democracy at home and throughout the world.

Our great debt of gratitude to each and every one of our veterans, and we must make a concerted effort to show our appreciation for their valiant service. The Department of Veterans Affairs (VA) provides the necessary health care services and benefits that veterans deserve; however, over half of the veterans in the United States are not fully aware of the benefits or pensions to which they are entitled.

The bill I introduced today is straightforward and it does not call for the creation of new benefits. Rather, it seeks to ensure that our veterans are well informed of the benefits they are entitled to as a result of their service or injuries sustained during their service to their country.

This legislation would require the VA to inform veterans about their eligibility for benefits and health care services whenever they have any benefit with the VA. Furthermore, many times, widows and surviving family members of veterans are not aware of the special benefits available to them when their family member passes. My bill would require the VA to inform them of the benefits for which they are eligible on the passing of their loved one.

My legislation also seeks to reach out to those veterans who are not currently enrolled in the VA system by calling upon the Secretary of Veterans Affairs to prepare an annual outreach plan that will encourage eligible veterans to register with the VA as well as keeping current enrollees aware of any changes to benefits or eligibility requirements.

This bill will help ensure that our government and its services for veterans are there for the men and women who have served this nation in the armed forces. I am hopeful that my colleagues in the Senate will recognize the tremendous service that our veterans have given and support this reasonable measure to ensure that our veterans receive the benefits they deserve.

By Mr. HOLLINGS (for himself, Ms. SNOWE, Mr. KERRY, Mr. STEVENS, Mr. BREAUX, and Mr. CLELAND): S. 2954. A bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program; to the Committee on Commerce, Science, and Transportation.

THE NANCY FOSTER SCHOLARSHIP ACT

Mr. HOLLINGS. Mr. President, I rise today to introduce the Nancy Foster Scholarship Act, legislation to create a scholarship program in marine biology or oceanography in honor of Dr. Nancy Foster, head of the National Ocean Service at the National Oceanic and Atmospheric Administration (NOAA) until her passing on Tuesday, June 27, 2000. I am proud to introduce legislation to commemorate the life and work of such a wonderful leader, mentor, and coastal advocate. I thank my colleagues Senators SNOWE, KERRY, STEVENS, BREAUX, and CLELAND for joining me in recognizing Dr. Foster's strong commitment to improving the conservation and scientific understanding of our precious coastal resources.

My legislation would create a Nancy Foster Marine Biology Scholarship Program within the Department of Commerce. This Program would provide scholarship funds to outstanding women and minority graduate students to support and encourage independent graduate level research in biology. It is my hope that this scholarship program will promote the development of future leaders of Dr. Foster's caliber.
Dr. Foster was the first woman to direct a NOAA line office, and during her 23 years at NOAA rose to one of the most senior levels a career professional can achieve. She directed the complete modernization of NOAA’s essential nautical mapping and aerial survey programs and created a ground-breaking partnership with the National Geographic Society to launch a 5-year undersea exploration program called the Sustainable Seas Expedition. Dr. Foster was a strong and enthusiastic mentor to young people and a staunch ally to her colleagues, and for this reason, I believe the legislation I am introducing today to be the most appropriate way for us all to ensure that her deep commitment to marine science continues on in others.

Mr. President, we will all feel Dr. Foster’s loss deeply for years to come. The creation of a scholarship program in her honor is one small way we can thank a person who did so much for us all.

By Mr. DEWINE (for himself, Mr. HATCH, Mr. Voinovich, and Mr. LEAHY):

S. 2955. A bill to amend the Internal Revenue Code of 1986 to provide relief for the payment of asbestos-related claims; to the Committee on Finance.

ASBESTOS-RELATED CLAIMS RELIEF

Mr. HATCH. Mr. President, I rise today as an original co-sponsor of the bill introduced today by my friend and colleague from Ohio, Senator Dewine, and each subsequent taxable year.

The first provision exempts from income tax the income earned by a designated or qualified settlement fund established for the principal purpose of resolving and satisfying present and future claims relating to asbestos illnesses. The effect of this provision, Mr. President, is to increase the amount of money available for the payment of these claims.

The second provision allows taxpayers with specified liability losses attributable to asbestos to carry back those losses to the tax year in which the taxpayer, or its predecessor company, was first involved in producing or distributing products containing asbestos.

This provision is a matter of fairness, Mr. President. Because of the long latency period related to asbestos-related diseases, which can span 40 years, many of these claims are just now arising. Current law provides for the carryback of this kind of liability losses, but only for a ten-year period.

Many of the companies involved earned profits and paid taxes on those profits in the years the asbestos-related products were made or distributed. However, it is now clear, many years after the taxes were paid, that there were no profits earned at all, since millions of dollars of health claims relating to those products must now be paid.

It is only fair, and it is sound tax policy, to allow relief for situations like these. Again, it should be emphasized that the primary beneficiaries of this tax change will not be the corporations, but the victims of the illnesses, because the taxpayer would be required to devote the entire amount of the tax reduction to paying the claims.

This is not the first time the federal government has been at least partially responsible for health problems of citizens that arose many years after the event that initially triggered the problem. During the Cold War, America conducted above ground atomic tests during which the wind blew the fallout into communities and ranches of Utah, New Mexico and Arizona. The government also demanded quantities of uranium, which is harmful to those who mined and milled it. The incidence of cancers and other lung diseases caused by this activity among the “downwinders,” miners and millers has been acknowledged by the federal government.

The least we can do for those manufacturers who are producing asbestos in their products or distributing products containing asbestos is to give them a break on the tax that would otherwise be due on those losses.

This legislation has substantial bipartisan backing. It is sponsored in the Senate by the Chairman and Ranking Minority Member of the Judiciary Committee. It is backed by the U.S. Chamber of Commerce and by at least one related labor union. This bill addresses a very serious problem and is the right thing to do. I hope we can pass it expeditiously.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

This is not the only time the federal government is partially responsible for health problems caused by asbestos. For example, during the Vietnam War, the government required that private contractors and shipyard workers use asbestos to insulate navy ships from so-called “secondary fires.” Because of sovereign immunity, however, the government has not had to share in the damage, leaving American companies to bear the full and ongoing financial burden of compensation.

This legislation is an important step toward recognizing that the federal government is partially responsible for payment of these claims. It does so through two income tax provisions, both of which directly benefit the victims of the illnesses.

SEC. 1. EXEMPTION FOR ASBESTOS-RELATED SETTLEMENT FUNDS.

(a) EXEMPTION FOR ASBESTOS-RELATED SETTLEMENT FUNDS.—Subsection (b) of section 468B of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) EXEMPTION FROM TAX FOR ASBESTOS-RELATED DESIGNATED SETTLEMENT FUNDS.—Notwithstanding paragraph (1), no tax shall be imposed under this section or any other provision of this subtitle on any designated settlement fund established for the principal purpose of resolving and satisfying present and future claims relating to asbestos.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 468B(b) of the Internal Revenue Code of 1986 is amended by striking “There” and inserting “Except as provided in paragraph (6), there”.

(2) Subsection (g) of section 468B of such Code is amended by inserting “(other than subsection (b)(6))” after “Nothing in any provision of law”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment of this Act.

SEC. 2. MODIFY TREATMENT OF ASBESTOS-RELATED NET OPERATING LOSSES.

(a) ASBESTOS-RELATED NET OPERATING LOSSES.—Subsection (f) of section 172 of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) SPECIAL RULES FOR ASBESTOS LIABILITY LOSSES.—

“(A) IN GENERAL.—At the election of the taxpayer, the portion of any specified liability loss that is attributable to asbestos may, for purposes of subsection (b)(1)(C), be carried back to the taxable year in which the loss occurred, in the following order of priority:

(i) the credits allowable for such taxable year solely by reason of clause (i) of paragraph (1) of section 48A,

(ii) the amount of any deduction taken under section 172(b)(2) for such taxable year.

“(B) CARRYFOWARDS TAKEN INTO ACCOUNT BEFORE ASBESTOS-RELATED DEDUCTIONS.—For purposes of this section—

(i) in determining whether a net operating loss carryforward may be used under subsection (b)(2) to a taxable year, taxable income for such year shall be determined

7/27/2000

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
without regard to the deductions referred to in paragraph (1)(A) with respect to asbestos, and
“(ii) if there is a net operating loss for such year, the allowable deduction in income tax carryforwards and deductions, the portion of such loss attributable to such deductions shall be treated as a specified liability loss that is attributable to asbestos.
“(D) LIMITATION.—The amount of reduction in income tax liability arising from the election described in subparagraph (A) that exceeds the amount of reduction in income tax liability that would have resulted if the taxpayer utilized the 10-year carryback period under subsection (b)(3)(C) shall be devoted by the taxpayer solely to asbestos claimant compensation and related costs, through a designated settlement fund or otherwise.

(E) CONSOLIDATED GROUPS.—For purposes of this paragraph, a consolidated group of corporations that join in the filing of a consolidated return pursuant to section 1561 (or a predecessor section) shall be treated as 1 corporation.

(F) PREDECESSOR CORPORATION.—For purposes of this paragraph, a predecessor corporation shall include a corporation that transferred assets to the taxpayer in a transaction to which section 4(a).

SECTION 6. MANAGEMENT.

(a) CONSERVATION AREA.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(b); and

(2) is in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(b) other applicable law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purpose for which the Conservation Area is established.

(c) WITHDRAWALS.—Subject to valid existing rights, all Federal land within the Conservation Area and trust and Indian land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws;

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(d) OFF-HIGHWAY VEHICLE USE.—

(1) IN GENERAL.—Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area—

(A) before the effective date of a management plan under subsection (b), shall be allowed only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public lands in the Conservation Area; and

(B) after the effective date of a management plan under subsection (b), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(2) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Paragraph (1) shall not limit the Secretary’s authority to provide for uses of motor vehicles in the Conservation Area as needed for administrative purposes or to respond to an emergency.

(e) WILDERNESS.—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to refer to the date of the enactment of this Act.

SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNATION

Certain lands in Mesa County, Colorado, and Grand County, Utah, which comprise approximately 74,000 acres as generally depicted on the Map, and hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. Such component shall be known as the Black Ridge Canyons Wilderness.

SEC. 6. MANAGEMENT.

(a) CONSERVATION AREA.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(b); and

(2) is in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(b) other applicable law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purpose for which the Conservation Area is established.

(c) WITHDRAWALS.—Subject to valid existing rights, all Federal land within the Conservation Area and trust and Indian land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws;

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(d) OFF-HIGHWAY VEHICLE USE.—

(1) IN GENERAL.—Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area—

(A) before the effective date of a management plan under subsection (b), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(B) after the effective date of a management plan under subsection (b), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.
with applicable laws and regulations of the United States and the States of Colorado and Utah.

(2) AREA AND TIME CLOSURES.—The head of the Colorado Division of Wildlife (in reference to land within the State of Colorado), the head of the Utah Division of Wildlife (in reference to land within the State of Utah), or the Administrator of the Federal Land Policy and Management Act of 1976 (in reference to land within the State of Utah), may issue regulations designating zones where, and establishing limited periods when, the taking, hunting, trapping, or fishing shall be prohibited in the Conservation Area or the Wilderness for reasons of public safety, administration, or public use and enjoyment.

(3) GRAZING.—(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall issue and administer any grazing leases and permits on public land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—Grazing of livestock shall be prohibited in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1131(d)(4)), in accordance with the guidelines set forth in Appendix A of House Report 101–405 of the 101st Congress.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-range protection and management of the Conservation Area and the Wilderness and the lands described in paragraph (2)(E).

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area and the Wilderness;

(B) take into consideration any information developed in studies of the land within the Conservation Area or the Wilderness;

(C) provide for the continued management of the Colorado River and other water resources referred to in section 2(b).

(d) APPLICABLE LAW.—Nothing in this Act shall constitute or affect the authority of the Secretary to manage recreational uses on the Colorado River, or the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this Act shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(3) C OLORADO WATER LAW .—The Secretary shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(4) BOUNDARIES ALONG COLORADO RIVER.—(A) Neither the Conservation Area nor the Wilderness shall include any part of the Colorado River to the 100-year high water mark.

(B) Nothing in this Act shall affect the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this Act shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(C) Subject to valid existing rights, all lands owned by the Federal Government between the 100-year high water mark on each shore of the Colorado River, as designated on the Map from the line labeled 'A' on the east to the boundary between the States of Colorado and Utah on the west, are hereby withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the Map and a legal description of the Conservation Area and the Wilderness.

(b) FORCE AND EFFECT.—The Map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the Map and the legal descriptions.

(c) PUBLIC AVAILABILITY.—Copies of the Map and the legal descriptions shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Grand Junction District Office of the Bureau of Land Management in Colorado; and

(3) the appropriate office of the Bureau of Land Management in the State of Utah.

(d) MAP CONTROLLING.—Subject to section 6(l)(3), in the case of a discrepancy between the Map and the descriptions, the Map shall control.

SEC. 8. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall establish an advisory council to be known as the “Colorado Canyons National Conservation Area Advisory Council.”

(b) DUTIES.—The Council shall advise the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).
The definition of covered services continues to be of concern to policy-makers. On March 23, 2000, the House Commerce Committee, Subcommittee on Health & Environment held a hearing on this issue. I understand that there was a very productive discussion of other policy options during the question and answer period. One witness, Dr. Earl Steinberg of Johns Hopkins University, suggested having the beneficiary’s physician determine whether a medication can or cannot be self-administered. The bill I am introducing today follows that expert advice and introduces the judgment of the physician into the decision process.

On May 17, 2000 I sent a letter to HCFA Administrator DeParle, requesting her serious attention to this problem. I went further to ask her to propose an administrative remedy for the inequity that existed. In her reply, she stated that she was “very troubled by the predicament of beneficiaries whose drugs are not covered under the law.” But it is clear from Administrator DeParle’s letter, that without legislation or other transmittal or policy directive that has the effect of imposing (or clarifying the imposition of) a restriction on the coverage of injectable drugs beyond those applied on the day before issuance of the transmittal, Medicare’s treatment (or clarifying the imposition of) a restriction on the coverage of injectable drugs beyond those applied on the day before issuance of the transmittal.

As a result of this memorandum, certain patients, for example patients with multiple sclerosis or some forms of cancer, no longer have Medicare coverage for certain drugs. However, implementation of this policy directive has been halted for FY2000. On November 29, 1999, the President signed into law the Consolidated Appropriations Act for 2000. Section 219 of General Provisions in Title II, Department of Health and Human Services contains a provision relating to the memorandum. The provision prohibits the use of any funds to carry out the August 13, 1997, transmittal or to promulgate any regulation or other transmittal or policy directive that has the effect of imposing (or clarifying the imposition of) a restriction on the coverage of injectable drugs beyond those applied on the day before issuance of the transmittal.

The Self-Administered Medications Act of 2000

SEC. 1. SHORT TITLE.

This Act may be cited as the “Medicare Self-Administered Medications Act of 2000”.

SEC. 2. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking “(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)” and inserting “(including drugs and biologicals for which the usual method of administration of the form of drug or biological is not patient self-administration or, in the case of injectable drugs and biologicals, for which the physician determines that self-administration is not medically appropriate)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs and biologicals administered on or after October 1, 2000.

Mr. SANTORUM. Mr. President, today I am introducing legislation to empower at-risk youths and their communities. My legislation would establish a national youth entrepreneurship clearinghouse and permit curriculum-based youth entrepreneurship education as an allowable use of funds. Only curriculum-based youth entrepreneurship programs that demonstrate success in equipping disadvantaged youth with applied math and other analytical skills would be eligible for assistance under this measure. Students who participate in these programs learn basic entrepreneurial skills and gain a better understanding of the relationship between the subjects they learn in their classrooms and the business world. By teaching students practical skills needed to maintain thriving entrepreneurial projects, the programs empower students and prepare them for future endeavors as contributing members of their communities. My legislation will instill pride in at-risk youths by providing them with the opportunity to improve their surroundings, while they explore and learn about the many career choices available to them in the business world.

I am pleased that this measure was included in the Elementary and Secondary Education Reauthorization bill passed by the House of Representatives, and it is my hope that we can facilitate its passage in the Senate and move closer to providing significant and meaningful initiatives for our children in need.

By Mr. WYDEN:

S. 2958. A bill to establish a national clearinghouse for youth entrepreneur-ship education, and for other purposes; to the Committee on Health, Edu-cation, Labor, and Pensions.

YOUTH ENTREPRENEURSHIP CLEARINGHOUSE AND CURRICULUM-BASED YOUTH ENTREPRENEURSHIP

Mr. SANTORUM. Mr. President, today I am introducing legislation to empower at-risk youths and their communities. My legislation would establish a national youth entrepreneurship clearinghouse and permit curriculum-based youth entrepreneurship education as an allowable use of funds. Only curriculum-based youth entrepreneurship programs that demonstrate success in equipping disadvantaged youth with applied math and other analytical skills would be eligible for assistance under this measure. Students who participate in these programs learn basic entrepreneurial skills and gain a better understanding of the relationship between the subjects they learn in their classrooms and the business world. By teaching students practical skills needed to maintain thriving entrepreneurial projects, the programs empower students and prepare them for future endeavors as contributing members of their communities. My legislation will instill pride in at-risk youths by providing them with the opportunity to improve their surroundings, while they explore and learn about the many career choices available to them in the business world.

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By Mr. WYDEN:

S. 2958. A bill to provide for qualified withdrawals from the Capital Construction Fund (CCF) for fishermen leaving the industry and for the rollover of Capital Construction Funds to
individual retirement plans; to the Committee on Finance.

The Capital Construction Fund Reform Act

Mr. WYDEN. Mr. President, I am pleased today to introduce the Capital Construction Fund Reform Act of 2000. The Capital Construction Fund Reform Act (CCF) was originally created by the Merchant Marine Act as a way to encourage the construction and use of American-owned vessels in U.S. waters. For fishermen, the Capital Construction Fund authorized the accumulation of funds, free from taxes, for the purpose of buying or refitting commercial fishing vessels. The program has been a success in promoting the domestic fishing industry. However, the usefulness of the CCF has not kept up with the times. Today it is actually exacerbating the problems facing U.S. fishermen by forcing fishermen to keep their money in fishing vessels, rather than allowing them to retire from fishing and pursue other interests.

Our nation’s fisheries are collapsing. Over the past year, fisheries in New England, Alaska and the West Coast have been officially declared disasters by the Secretary of Commerce. Plainly speaking, there are too many boats and not enough fish. Along the West Coast, a mere 200 of the 1400 boats currently fishing could catch the entire allowable harvest of groundfish. That means we could buyout 85 percent of the boats and still not reduce capacity in our fisheries. Since 1995, Congress has appropriated $140 million to buy fishing vessels and permits back from fishermen. Clearly, more needs to be done.

This legislation empowers the fisherman to make his own choices to stay or leave the fishery with his own money.

In these times when we ought to be reducing the number of boats in our fisheries, it does not make sense for federal policy to encourage fishermen to buy more boats. Yet current law prohibits fishermen from getting their own money out of CCF accounts for any purpose other than building boats. If they do, they lose up to 70 percent of their money in taxes and penalties. When fishermen have already been hit with increasingly severe harvest restrictions over the past few years, it is just not fair to hold their own money hostage.

That is why I am introducing a bill that will allow for fishermen to withdraw their funds from the Capital Construction Fund if they retire from the fishery. My bill would allow fund holders to roll their funds over into an Individual Retirement Account (IRA) or other retirement fund. It would also allow them to use their own money to participate in buyback programs. This bill also eliminates the tax-penalty for withdrawals for those folks wishing to leave the industry.

Mr. President, I ask unanimous consent that my statement and the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2962

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

SECTION 1. SHORT TITLE

The Act may be cited as “The Capital Construction Fund (CCF) Qualified Withdrawal Act of 2000”.

SECTION 2. EXPANSION OF PURPOSES OF THE CAPITAL CONSTRUCTION FUND BY AMENDING THE MERCHANT MARINE ACT OF 1936

Section 607(a) of the Merchant Marine Act, 1936 (46 U.S.C. 177(a)) is amended by striking “of this section.” and inserting “of this section. Any agreement entered into under this section may be modified for the purpose of establishing the sustainability of the fisheries of the United States by making the termination and withdrawal of a capital construction fund account a qualified withdrawal if the Secretary determines that the reassignment of the related capital fishing vessels and related commercial fishing permits is in the public interest.”

SECTION 3. NEW QUALIFIED WITHDRAWALS

(a) AMENDMENTS TO MERCHANT MARINE ACT OF 1936—Section 607(f)(1) of the Merchant Marine Act of 1936 (46 U.S.C. App. 1177(f)(1)) is amended:

(1) in subparagraph (B) by striking “vessel,”

(2) in subparagraph (C) by striking “vessel,”

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986—Section 7518(e)(1) of the Internal Revenue Code of 1986 (relating to purposes of qualified withdrawals) is amended by inserting after subparagraph (C) the following new subparagraphs:

(1) the payment of an industry fee authorized by the fishing capacity reduction program, 16 U.S.C. 1861,

(2) in the case of any such person or shareholder for whose benefit such fund was established, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person’s individual retirement plan (as defined in section 7701(a)(37) of such Code), or

(3) for the payment to a corporation or person terminating a capital construction fund and retiring related commercial fishing vessels and permits.

(c) AMENDMENTS TO INTERNAL REVENUE CODE OF 1990—Section 7701(a)(37) of such Code, as amended by the Economic Recovery Tax Act of 1981 and the Tax Reform Act of 1986, is amended by adding to the definition of “qualified withdrawal” the following:

(1) the payment of an industry fee authorized by the fishing capacity reduction program, 16 U.S.C. 1861,

(2) in the case of any such person or shareholder for whose benefit such fund was established, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person’s individual retirement plan (as defined in section 7701(a)(37) of such Code), or

(3) for the payment to a corporation or person terminating a capital construction fund and retiring related commercial fishing vessels and permits.

The Act may be cited as “The Capital Construction Fund Reform Act of 2000.”
Several States have had gasoline leaks, or spills, that led to the closure of wells because of MTBE. It smells. It tastes horrible. It is not the kind of thing you want to see come out of your shower or your faucet when you are ready for a shower. This is a serious problem. Some have made light of it, frankly, in this body, in the sense that maybe it is not such a serious problem and maybe we should look at some other alternatives other than banning it. But we need to ban MTBE. The legislation I am introducing today will do that. It does it in a responsible manner, which I will explain.

Several States have had these leaks or spills, as I said. So this bill will address the problems associated with MTBE, but—and this is a very important point—will not reduce any of the environmental benefits of the clean air program. That cannot be said with every option that has been presented on this issue. Again, we can ban MTBE, but not in any meaningful way. The environmental benefit that the MTBE has brought to clean the air and that is important.

Briefly, this bill will allow the Governor to apply to waive the phase-in oxygen requirement of the Clean Air Act—waive it. But it will preserve the environmental benefits. It will also grant the State and the Federal Government authority to ban MTBE. It authorizes an additional $200 million out of the Underground Storage Tank Fund to clean up MTBE where these wells have been contaminated because of these leaking tanks. In other words, if we could repair those leaking tanks, we are going to cut back on the amount of problems we are going to have in the future. So it is important we have this as part of the legislation to get the money there to fix these tanks, to cut back on the amount of MTBE that gets into the ground water. If it does get out of the tank into the gasoline tank, it will not get into the ground water. But it is leaking out of tanks and we have to fix it.

The bill also authorizes an extensive study of numerous environmental consequences of our current fuel use. It was my hope to have marked up and sent to the floor from the Environment and Public Works Committee, which I chair, a bill this past week. In fact, it was our goal to do it yesterday, but we could not get the parties together so I needed to make this bill a reality, in the sense that it would pass. We could have introduced a bill, could have marked a bill, perhaps, but it would not have passed because we would not have the support. This problem is too serious to play politics.

MTBE is a pollutant in our wells. We need to get it out. We have to have legislation to do it and it has to pass. There is no point introducing a bill that will not pass. There are people who are dug in on all sides of this issue for various reasons. But the point is, we need to compromise. We all cannot get what we want, but the end result must be that we get MTBE out of our ground water. That is the bottom line.

So I agreed, reluctantly, but I agreed, in the interests of working together with my colleagues, to hold off until September in order to resolve the few remaining issues to hold up that markup in September. In fact, the specific date is September 7. In that legislation that we mark up, we will ban MTBE.

The issues that are in this legislation include the treatment of ethanol. I am pleased with the recent progress we have made on this. But there is a serious problem that we have to deal with, those who advocate more ethanol in fuel. I expect these issues to be resolved. We are working behind the scenes very hard to resolve these issues before the September 7 markup. It will give the staff something to do during the August recess. I know they will work out the details. But I thank the many Senators on both sides of the aisle I have been working with very closely to resolve these issues. This is a tough, tough issue, and it is hard to get agreement. Everybody is not going to get what they want, but the bottom line is, we have to get MTBE out of the water.

Let me address the ethanol issue for a moment. Some weeks ago I circulated a draft that included a clean alternative fuels program. This is a very complex issue. What are alternative fuels? The Reformulated Gasoline Program, it could be natural gas. It could be electricity. It could be fuel cells. It could be ethanol. But if you say “renewable fuels,” then you are talking for the most part only ethanol. So when we are talking alternative fuels, what alternatives do we have to MTBE that would help us meet these requirements in the Clean Air Act? This has proven to be a good step toward addressing the ethanol question.

The bill will address the development of cleaner and more efficient cars which will help with the Clean Air Act issues as well. There has been growing support for this alternative fuels approach since the time we first brought this up. We do not want to create more MTBE problems. We do not want to create dirtier air by eliminating MTBE because we created dirty water by putting MTBEs in gasoline.

So last week in an effort, again, to reach a compromise, I wrote a letter supporting that approach from 32 States represented by air quality planners in the northeastern States and the Governors’ Ethanol Coalition. So for the first time we now have ethanol, and the Northeast, you have specific problems here with the MTBE issue, talking, working together, and, as we said, from this letter of support from 32 States, they support this approach.

We have not dotted every “i” and crossed every “t” yet, but in concept they support the approach.

The bill I am offering today, while that bill does not include the exact language they are talking about in that letter—and I want to make that clear—it is a bridge. It is a bridge from where my legislation is to where they are. Actually, simultaneously to the bill I have introduced, I have also offered an amendment No. 4026, which crosses that bridge. It is a bridge. It does it in a responsible manner. We could have introduced another amendment to my own bill, which is my way of saying: OK, you offered me the bridge. I am willing to walk across it and meet you at least halfway.

I will describe this bill in a little more detail first. This is a complex issue. The Environmental and Public Works Committee has been struggling with this, certainly in the last 7 or 8 months I have been chairman of the committee, and I am sure they were struggling with it many months before that. I have tried to craft a solution that is direct and balanced. I believe I have accomplished that. That is my goal. It is not to propose anything through to make anybody angry. It is a legitimate attempt to get a consensus to deal with a serious environmental problem, not to deal with everybody’s opinions.

If anybody comes to the table and says: If I do not get this, I will leave the table—I tell the people who say that: Don’t bother coming to the table; you are wasting my time and yours. If you want to talk, compromise, and reach a rational conclusion, I am willing to talk, and Senators on all sides of this have done just that. We have talked to many industry folks and environmental people as well on this very issue.

The bill waives the oxygen mandate. The Reformulated Gasoline Program, or RFG, requires at least 2 percent of gasoline by weight to be oxygen. MTBE and alcohol are the principal additives that help satisfy this requirement. It is ethanol or MTBE. They will bring us to that 2 percent oxygenate requirement. Because MTBE is rarely used outside the Reformulated Gas Program, a sensible starting point was to allow each State, if they wish, to waive the oxygen requirement.

What about the so-called environmental backsliding; in other words, slipping back and allowing more dirty air? There is concern that if the Governors waive this mandate, this will affect the environmental benefit—clean air—of the Reformulated Gas Program.

Let me be very clear: My bill ensures that there will be no environmental backsliding. We are not walking away from the requirements of the Clean Air Act. If this bill is adopted, the environment—at least the air—will not know the difference. There will be no negative impact on the air, and the water will be cleaner.

Phaseout of MTBE: Eliminating the 2 percent oxygen mandate alone does not
mean the elimination of MTBE. MTBE is an effective octane booster, and refiners still may want to use it. Since only a very small amount of MTBE will cause a tremendous amount of damage, it is important to consider the fate of MTBE.

This bill will give the EPA Administrator the authority to ban it immediately. If EPA does not do so in 4 years, then this bill will, by law, ban MTBE. The EPA has 4 years to ban it. If they do not, the bill will.

EPA, however, overturn the ban if it deemed it was not necessary to protect air quality, water quality, or human health. If it gets to the point that it is not a problem, then EPA does not have to ban it. Notwithstanding EPA's decision, the bill gives the States the authority to ban the additive.

Since there is already massive contamination caused by MTBE, this bill will authorize, as I said, $200 million to be given to the States from the existing Underground Storage Tank Program for the purpose of cleaning up MTBE-caused contamination.

Since a Federal mandate caused this pollution—remember that a Federal mandate caused this pollution. This is not the fault of the oil companies. It is not the fault of the MTBE producers. They did what they were asked to do. They produced this additive to clean up the air. Since a Federal mandate caused the pollution, it would be irresponsible for the Federal Government not to bear some of the financial burden associated with the cleanup. Unfortunately, that is the case.

I do not like to spend taxpayers' dollars, but this was a mandate, and because of that mandate, we have a problem.

It is also important to point out that although it is not part of my legislation, it is reasonable to think of some way of perhaps trying to work with the MTBE producers to help them through this transition if, in fact, MTBE is banned. I certainly am willing to work with them to come up with some solution, some help in terms of their movement from one industry to another, or whatever the case may be.

Finally, the bill authorizes a comprehensive study of the environmental consequences of our current fuel supply. In order to be better informed to make future environmental decisions regarding fuel policy, the bill instructs EPA to undertake a study of our motor fuel.

I will talk a little bit about the cost, a very important point.

Lately, we have heard a great deal about gasoline prices, certainly fuel oil prices, as well, in New England. These concerns underscore the question of the costs associated with limiting MTBE use.

MTBE, like it or not, is clean, it is cheap, and it helps to clean up our air. Placing it in our fuel supply and keeping the fuel supply clean will have a cost. We have to replace it. We cannot backslide. We do not want to dirty the air while we take MTBE out.

It is my belief the Senate is not prepared to reduce our clean air standards or allow for the continued contamination of our drinking water.

We have no other options. Contaminated drinking water and do we backslide off the clean air provision. I believe my colleagues in the Senate are willing to work with me to clean up the water to get the MTBE out of our wells and to lose the integrity of the Clean Air Act and not backslide or move back from the cleaner air we have accomplished by using MTBE.

The question, though, becomes: What is the most effective and cost friendly option for achieving this goal? I have a chart which will help illustrate the options. Each one of these options—the red line, yellow line, green line, and the blue line—bans MTBE, but it is a little more complicated than that.

One option is a simple elimination of MTBE with no other changes in the law. That is the red line. These show costs. This is the highest cost option because it is about an 8-cent increase in gas prices per gallon. This is a ban of MTBE, and it replaces it with ethanol.

One might think: That is fine, it is ethanol, produced by corn, a nice natural product; what is wrong with that? Let's do it.

The problem is, in areas in the Northeast, such as New Hampshire, and in other States such as Texas, these States would have to use ethanol to meet that oxygenate requirement because there is no other option. In order to meet the 2-percent oxygenate requirement if MTBE is removed, they have to use ethanol.

One may say: What is wrong with that? Ethanol makes gas evaporate more quickly and those fumes would add to smog and haze in New England and elsewhere. Obviously, California would have the same problem.

Refiners would have to make gas less evaporative and thereby increasing the cost. In other words, they would have to work with me to achieve that rapid evaporation and it would cost more to do that. This is not an option for New England or California nor any other State that has this particular problem. If we are going to be responsible, then we should work with our colleagues who have these problems. I happen to have that problem because I am from New Hampshire, and as the chairman of the committee, I need to work with all of the regions of the country to get a compromise that is acceptable to everybody that we do not have more environmental problems in New England or California or some other place by simply banning MTBE and letting ethanol take over. Some want that.

Obviously, the ethanol producers would love it, but that does not help us. We do not want to create more problems. That is not a responsible approach, I say with all due respect.

The next line is the orange line in terms of cost. That is the Clinton administration's position. That represents the cost of eliminating the oxygen mandate, but replacing it with a national ethanol requirement rather than some other alternative than ethanol.

The cost of mandating a threefold increase in ethanol sales is very expensive. So the options represented by the orange line shown on the chart cost more than what is shown with the red line because it does not mandate that the reformulated gas contain ethanol. It does not mandate it, but that is what is going to happen. But, shown with this orange line on the chart, it simply mandates the total ethanol market. So you are mandating the market here, and that is no good. That does not work. Unlike what is shown with the red line, there would be no regional constraint. It would not be acceptable.

Now, what is shown on the chart with the blue line is legislation that I am introducing today, without the amendment initially. In my view, that is the cheapest and most responsible way to deal with this problem. However, for purposes of argument, let us assume that I am not with you. I do not agree with them, but I respect them—it does not have enough support, either, to pass the Senate. I recognize that, but I want everybody to know where I am coming from.

Here we have the cheapest alternative that gets the job done. That is my view. But I understand, as I said before, I am willing to build that bridge to go from what is shown with the blue line to what is shown with the orange line. I will not go to what is shown with the orange or red lines, but I am willing to go from what is shown with the blue line to what is shown with the green line.

As I have said, what is shown with the blue line is the bill I have introduced. That bill will cost more to make clean gas without MTBE, but because we place the fewest requirements on the refiners on how to achieve that clean gas, this bill would cost the economy less than all other options. It is very important for me to repeat that. We place the fewest requirements on the refiners on how to achieve the clean gas. We want clean gas achieved. That is the goal. This bill would cost the economy less than all of those other options.

While my bill addresses all of the concerns with MTBE, I am also sensitive to the concerns of the Senators who understand that this bill might have an impact on ethanol. So in order to address these concerns, I have prepared an amendment to my own legislation, amendment No. 4026, which I have already sent to the desk.

This amendment seeks to address the concerns over ethanol that Members have. I am hoping that over the course of the next 30 days we will be able to build this bridge from what is shown by the blue line to what is shown by the
green line, to get to what I think is an acceptable and responsible approach. I indicated earlier there is a lot of interest. Thirty-two States have expressed interest in this, in my letter. This amendment seeks to address the concerns of the ethanol industry by establishing a segment of the fuel market that must be comprised of either ethanol or fuel used to power superclean vehicles.

About 10 days ago, I had the opportunity to ride in a fuel-celled bus. It had hydrogen cells. I had never experienced anything like it: No fumes, no smell, very little sound, and no pollutants whatsoever. I road several miles in it.

The current occupant of the Chair, the Senator from Utah, Senator Bennett, drives a hybrid car which is part the Senator from Utah, Senator Bennett.

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State for which the Governor waives the oxygenate requirement under subparagraph (B)(i).

(II) More stringent requirements.—The performance standard under clause (ii) shall not apply to the extent that any requirement under section 202(e) is more stringent than the performance standard.

(III) Subsequent regulations.—The performance standard under clause (ii) shall not apply in any State that has received a waiver under section 209(b).

(IV) Statutory performance standard.—

(I) In general.—Subject to subclause (II), if the regulations under clause (i)(I) have not been promulgated by the date that is 270 days after the date of enactment of this paragraph and clause (i) is in effect, the Administrator shall promulgate the regulations under clause (i) by regulation.

(II) by toxic air pollutant emissions.—The aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline shall be 27.5 percent below the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline.

(III) Subsequent regulations.—The Administrator may modify the performance standard established under subclause (I) through promulgation of regulations under clause (i)(I).

SEC. 2. SALE OF GASOLINE CONTAINING MTBE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting ''fuel or fuel additive or'' after ''Administrator any''; and

(B) by striking ''air pollution which'' and inserting ''air pollution, or water pollution, that'';

(2) in paragraph (1)(B), by inserting ''or water quality protection,'' after ''emission control''; and

(3) in the last sentence—

``(5) Determination by the Administrator whether to ban use of MTBE.—

``(A) In general.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in gasoline unless the Administrator determines that the use of methyl tertiary butyl ether in accordance with paragraph (6) poses no substantial risk to water quality, air quality, or human health.

``(B) Regulations concerning phaseout.—The Administrator may establish by regulation a schedule to phase out the use of methyl tertiary butyl ether in gasoline during the period preceding the effective date of the ban under subparagraph (A).

``(6) Limitations on sale of gasoline containing MTBE.—

``(A) In general.—Subject to subparagraph (B), if the Administrator makes the determination described in paragraph (5), for the fourth full calendar year that begins after the date of enactment of this paragraph and each calendar year thereafter—

``(i) the quantity of gasoline sold or introduced into commerce during the calendar year by a refiner, blender, or importer of gasoline shall contain on average not more than 1 percent by volume methyl tertiary butyl ether; and

``(ii) no person shall sell or introduce into commerce any gasoline that contains more than a specified percentage by volume methy

ty tertiary butyl ether, as determined by the Administrator by regulation.

``(B) Regulations concerning phaseout.—

``(i) In general.—The Administrator may promulgate regulations that establish a time period for the granting of an appropriate amount of credits to a person that refines, blends, or imports, and certifies to the Administrator, gasoline containing methyl tertiary butyl ether content that is less than the maximum methyl tertiary butyl ether content specified in subparagraph (A)(i).

``(ii) Use of credits.—The regulations promulgated under clause (i) shall provide that a person that is granted credits may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with the maximum methyl tertiary butyl ether content requirement specified in subparagraph (A)(i).

``(C) Temporary waiver of limitations.—

``(i) In general.—If the Administrator, in consultation with the Secretary of Energy, finds, on its own initiative or on petition of any person, that there is an insufficient domestic capacity to produce or import gasoline, the Administrator may, in accordance with section 307, temporarily waive the limitations imposed under subparagraph (A).

``(ii) Duration of reduction.—

``(I) In general.—A waiver under clause (i) shall remain in effect for a period of 15 days unless the Administrator, in consultation with the Secretary of Energy, finds, before the end of that period, that there is sufficient domestic capacity to produce or import gasoline.

``(II) Extension.—Upon the expiration of the 15-day period under clause (i), the waiver may be extended for an additional 15-day period in accordance with clause (i).

``(D) Convention gasoline.—

``(i) Definition.—For purposes of this paragraph, the term ''conventional gasoline'' means gasoline that—

``(I) contains no more than 15 parts per million by volume of methyl tertiary butyl ether; and

``(II) is suitable for use in vehicles equipped to use gasoline not containing methyl tertiary butyl ether.

``(ii) Petition for waiver.—The Administrator shall act on any petition submitted under clause (i) within 7 days after the date receipt of the petition.

``(iv) Inapplicability of certain requirements.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

``(1) by striking paragraph (4); and

``(2) by redesignating paragraph (5) as paragraph (4).

SEC. 3. SALE OF GASOLINE CONTAINING MTBE.

Section 211 of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) by striking ''may also'' and inserting ''shall, on a regular basis,''; and

(2) by striking subparagraph (A) and inserting the following:

``(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and

SEC. 4. CONVENTIONAL GASOLINE.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended—

(1) by redesigning subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

``(o) Comprehensive Fuel Study.—

``(1) In general.—Not later than 5 years after the date of enactment of this paragraph and every 5 years thereafter, the Administrator shall submit to Congress a report—

``(A) describing regulatory options to address toxic air pollutants that result from implementation of this section; and

``(B) describing reductions in emissions of toxic air pollutants that result from implementation of this section;

``(C) in consultation with the Secretary of Energy, describing reductions in greenhouse gas emissions that result from implementation of this section; and

``(D)(i) describing regulatory options to address toxic air pollutants that pose the greatest risk; and

``(ii) making recommendations concerning any statutory changes necessary to implement the regulatory options described under clause (i).(2) Life cycle emissions analysis.—In determining criteria air pollutant and greenhouse gas emission reductions under paragraph (1), the Administrator shall take into account the emissions resulting from the various fuels and fuel additives used in the
implementation of this section over the entire life cycle of the fuels and fuel additives.

SEC. 7. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—"; and

(2) by inserting the following:

"(7) OPT-IN AREAS.—"

"(A) CLASSIFIED AREAS.—"

"(1) IN GENERAL.—Upon".

(2) in subparagraph (B), by striking "(B) If and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—"

(3) in subparagraph (A)(i) (as so redesignated)—

(A) in the first sentence, by striking "paragraph (A)" and inserting "clause (i)"; and

(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and

(4) by adding at the end the following:

"(B) NONCLASSIFIED AREAS.—"

"(1) IN GENERAL.—In accordance with section 211(j)(1), and subject to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (3) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(1)."

(ii) PERIOD OF EFFECTIVENESS.—Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (3) to a portion of a State that—

"(I) commences not later than 1 year after the date of approval by the Administrator of the State implementation plan; and

(II) ends not earlier than 4 years after the date of the subclause (I)."

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(a) USE OF LUST FUNDS FOR REMEDIATION OF MTBE CONTAMINATION.—Section 9003(h)(3) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A), by striking "paragraph (1) and (2) of this subsection, and inserting "paragraphs (1), (2), and (12),"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF MTBE CONTAMINATION.—"

"(A) IN GENERAL.—The Administrator and the States may use funds made available under subparagraph (B) to carry out corrective action to a release of methyl tertiary butyl ether that presents a risk to human health, welfare, or the environment.

(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2); and

(ii) in the case of a State, in a manner consistent with a cooperative agreement entered into by the Administrator and the State under paragraph (7).

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund to carry out subparagraph (A) $300,000,000 for fiscal year 2001, to remain available until expended.

(b) RELEASE PREVENTION.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended—

(1) by redesignating section 9010 as section 9010; and

(2) by inserting after section 9009 the following:

"SEC. 9010. RELEASE PREVENTION.

"(a) IMPLEMENTATION OF PREVENTIVE MEASURES.—The Administrator (or a State pursuant to section 9003(h)(7)) may use funds appropriated from the Leaking Underground Storage Tank Trust Fund for—

"(1) necessary expenses directly related to the implementation of section 9003(h);

(2) enforcement of—

"(A) this subtitle; and

"(B) a State program approved under section 9001; or

"(C) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

(3) inspection of underground storage tanks.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund to carry out subdivision (a)—

"(1) $50,000,000 for fiscal year 2001; and

(2) $30,000,000 for each of fiscal years 2002 through 2005.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention.

Sec. 9011. Authorization of appropriation.

(2) Section 9003(d)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991d(A)) is amended by striking "substances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "section (c) and (d) of this section" and inserting "sections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the first sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9002(2)."

(5) Section 9003 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(a) in subsection (a), by striking "study taking" and inserting "study, taking";

(b) in subsection (b), by striking "relevant" and inserting "relevant"; and

(c) in subsection (c) and (d) of this section, by inserting "Environmental", and inserting "Environmental".

By Mr. BRYAN (for himself, Mr. GRAHAM and Mr. GORTON): S. 2963. A bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available Medicaid drug pricing information; to the Committee on Finance.

CONSUMER AWARENESS OF MARKET-BASED DRUG PRICES ACT OF 2000.

Mr. BRYAN. Mr. President, in a very few hours we will, each of us, be returning to our respective States for the summer. Many of us will have town hall meetings or other fora in which we will have a chance to interact with our constituents.

Much that occurs on this floor, although very important, does not connect with the American people. Most of this will have no effect upon the American people. Some of it seems pretty esoteric, pretty dry stuff. I am going to be discussing this afternoon an issue that does connect with the American people. Whether you live in Maine or California or Washington State or Florida or, as I do, in the great State of Nevada—and which I am privileged to represent—people are talking about the price of prescription drugs.

The reason for that is that the marvels of modern medicine have made it possible, through prescription drugs, to address a number of the maladies that affect all of us as part of humankind. The cost of those prescription drugs are literally going through the ceiling. That concern is more specifically upon that in a moment.

For literally millions of people in this country, the cost of prescription drugs has been so prohibitive that it would address a medical problem that those individuals are simply beyond the pale. So for many, it is fair to say, the choice is a Hobson's choice.

Do they eat in the evening, or do they take the prescription medication that has been prescribed by their physician? It would be my fondest hope and expectation, before this Congress adjourns sine die—that is, at the end of this legislative year—that we could enact prescription drug legislation. That would be my No. 1 priority. But I think all of us recognize there are some things we can do as part of whatever plan we might subscribe to, and Senator GRAHAM and I this afternoon are offering a piece of legislation entitled the Consumer Awareness of Market-Based Drug Prices Act of 2000.

This is a piece of legislation that deals with the price of drugs. We know what the cost is, but we are talking about the price. We have a lot of information on the cost. We know, for example, that we are spending on drugs in this country, prescription medications—in the last available year, 1999—almost $122 billion. We also know quite a bit about how much we spend in the Federal Government are spending for prescription drugs.

For example, the States and the Federal Government spent $17 billion in fiscal year 1999 for drugs, just under the Medicaid program alone. Those costs are going to escalate rather dramatically. What is missing, however, is some critically important information—information that would be important to consumers and those who negotiate on behalf of consumers, because we don’t know what we don’t have much information about is drug prices. The reason for that is some statutory prohibitions I am going to talk about and which this legislation specifically addresses.

So the questions are: What do consumers know about drug prices today? What do employers who purchase prescription drugs on behalf of their employees know about prices? What do health plans negotiating on behalf of their enrollees know about prices? What do physicians who prescribe drugs for their patients know about prices?

The answer is simply, very, very little: almost nothing. What little is known is essentially worthless information. We have the average wholesale price, but this is a truly meaningless figure.
During the course of my discussion this afternoon on the floor of the Senate, we are going to be talking about three kinds of prices: The average wholesale price, average manufacturer price, and the best price.

Just to reiterate, the average wholesale price, that is a public list price set by manufacturers, the pharmaceutical industry; that is neither average nor wholesale and is a price set by the pharmaceutical companies. The best analogy I can give you is that it would be analogous to the price that appears as the sticker price on the window of a new car. Nobody pays that price. It really is not a very helpful in terms of what you need to know when negotiating to purchase a car. And now there are a number of web sites and publications and manuals—a whole host of things that tell consumers this is what the manufacturer paid, these are the hold-backs by the dealers, these are the discounts and the commissions; here is what that whole experience would be, if you are to focus your attention. You can get that information if you are purchasing an automobile, and you can get that information when you purchase a whole host of other things. But that information has been a non-transparent issue, it is about finding out the price of prescription drugs, and that is because of some statutory limitations.

It is somewhat analogous to the statement Sir Winston Churchill made in 1917 in addressing the Soviet Union. He went on to say: ‘A riddle, wrapped up in a mystery, inside an enigma.’ That is a pretty fair characterization of what we know about the prices of prescription medications as sold by the manufacturer.

There are many different approaches as we deal with this prescription drug issue and want to extend it as either part of Medicare or some alternative approach. I have been privileged to serve on the Finance Committee, which has been the vortex for this debate and discussion. I listened closely to my colleagues eloquently on the subject of prescription drugs, and, whether you are to the left or to the right of the political spectrum, or whether you consider yourself in the mainstream, a moderate, all of us worship at the shrine of competition. Everybody says what we need to do is to inject more competition into the system. I happen to subscribe to that view because I believe that by allowing the synergy of the free marketplace to work, it will be the most efficient and the most cost-effective way to deliver services. But there is an impediment to the operation of the free marketplace.

What does the free marketplace need to work? How do we ensure competition? Well, some of you may recall that course from school, Econ. 201; that is what it was called at the University of Nevada where I was enrolled. Basic economic theory dictates that the availability of real market-based information is critical to a free market and that price transparency is necessary.

That is precisely what we do not have in this system we have created today.

The market today lacks market-based price information. A market simply cannot work without the availability of that price information. I emphasize this because of the information that is available to the public per se.

There is a complete void of useful information about prices. So, in effect, the employer is paying negotiating on behalf of consumers are negotiating in the dark. They are at a serious disadvantage. It is as if they are blindfolded going into that negotiating arena. They don't know where the end of the tunnel is. They do not know what the real prices are. So one can fairly ask, how can even the most conscientious, effective employer or health plan operator negotiate good prices on behalf of consumers if they don't have better-than-a-whole information about market prices? They undoubtedly pay higher prices than they otherwise would, and ultimately these higher prices are translated into higher prices to the consumers; they are passed on. That is the nature of the system.

So what type of price information would be available, or should be available, that would be useful and helpful information? The average manufacturer price for a drug would be a useful thing for purchasers to know; that is, the average price at which a manufacturer sold a particular drug. That is what is actually paid for retail drugs. By law, that is kept confidential, and that is one of the changes this legislation seeks to accomplish. That is confidential. You can't get that information.

The average price actually paid to a manufacturer by a wholesaler is supposed to be similar to the average manufacturer's price, but, in point of fact, it diverges widely. The average wholesale price, to refresh your memory, is a list price that is meaningless, a price designed by the pharmaceutical industry. In theory, these prices should be tracking; in point of fact, they widely diverge. So it is the average manufacturer price, the price that is actually paid, that is what we really want to know, and that is what we don't know.

The other price we don't know, and also by law is kept confidential, is the best price. That is the lowest price available to the private sector for a particular medication, whether it be Mevacor, Claritin, or any one of the other medications so many of us use today. That information is not available. So the average wholesale price—an utterly meaningless number, a fiction, is available. The average manufacturer price is not; nor is the best price.

Knowledge about the average manufacturer price and the best price would certainly enable us to have lower prices for health plans, lower prices for employers, and lower prices for the consumers. But the public is denied this information.

I believe the Medicare prescription drug benefit would enable us to have lower prices for employers, and lower prices for the consumers. And we are prohibited from knowing the price that Medicaid pays for each drug.

Today, anyone can get on the Internet to find the lowest price available

Let me emphasize—because a number of you might be thinking: There we go again with a vast new bureaucracy to collect this data with all of the burdens that are imposed upon the free market and the limitations that would be generated.

My friends, that is not the case because under the law, the Secretary of Health and Human Services currently collects the average manufacturer price and the best price.

In theory, we have this information. It is not something we don’t know about, or we have to create some new mechanism to gather. We have that information. It is there. But we are precluded by law from sharing that information with those who negotiate with the pharmaceutical industry to negotiate the best possible price for employees, members of health plans, or other organizations that provide prescription drugs to their clients, patient customer base—however you characterize it. All purchasers could use it to benefit those for whom they negotiate.

It is clear that we need to increase the level of knowledge consumers have about drug prices in today’s marketplace. We are not talking about mandating negotiated prices. We are simply talking about making the data that is collected available to those who are negotiating for prescription drugs. It would simply require the Secretary, who already collects this information, to provide the average manufacturer price of drugs and the best price available in the market.

These prices are collected to implement the Medicare prescription drug benefit. They are negotiated by pharmacies and are based on those prices. But because Medicaid is prohibited from the Secretary from disclosing the average manufacturer price, or the best price, the market doesn’t get the advantage of this information, and we are prohibited from knowing the price that Medicaid pays for each drug.

Let me say parenthetically that it is generally agreed that the price Medicaid pays is in point of fact the best price. So this would be a very reasonable price. It cannot be said for sure even with respect to a federal funded program what we are spending on a particular drug. We don’t know what Medicaid pays for Claritin, Mevacor, or Prilosec. We just do not know that. We know the total price we are paying for drugs generally, and what we are spending for drugs. But we do not know what we are paying for them separately. This information needs to be made available because making price information available will help purchasers and consumers alike.

Today, anyone can get on the Internet to find the lowest price available
for a given airline flight. I think the question needs to be asked: Why shouldn’t the public have access to price information on something that is so critical and that may be necessary to save one’s life, or to prevent the onset of debilitating conditions? There is a way to ameliorate the impact, the information with respect to the average manufacturer price and the best price?

The bottom line is today there are no sources of good price information for consumers, thus keeping prices artificially higher than they would otherwise be.

The legislation which we introduce today would be extremely helpful in correcting this. The market-based price information this bill would provide would help all purchasers, employers, and pharmacy benefit managers who are at a disadvantage without true price information.

Employees struggling with increasing premiums. In large part, premiums are increasing because of rising drug expenditures. And, yet, employers don’t have the information they need to assess whether the premium increases are justified. The answer to that is because without knowing the prices and the rebates that the pharmacy benefit managers are negotiating, they are not able to determine if the pharmacy benefit managers are passing along the rebates to them in the form of lower costs and lower premiums.

Further, neither the PBMs nor the employers know if the drug companies are being candid with them. When they try to negotiate lower prices with the manufacturer, they are told, no, we can’t give you that price because it is lower than the best price. The employers and the PBMs have no way of knowing in point of fact whether it is true. The battleground is really a negotiation of what these prices are. That is the information we don’t know. In effect, those who negotiate with the pharmaceutical industry go into that boardroom, tied behind their backs and blindfolded as to what the average manufacturer price and the best price is.

Let me say that this piece of legislation is going to provoke an outcry. You don’t have to have a degree from Oxford. You don’t have to have a Ph.D. from some of our most distinguished institutions in America. Who would one think would dislike this information? My friends, the pharmaceutical industry. And if you don’t think they are going to react, remember, this is a price set by the pharmaceutical industry; it is not a market-driven price. Multiply that times the units—whatever the number of prescriptions, say an allergy drug or a substance you need to maintain your health; times 15.1 percent of the average wholesale price. That gouges the American taxpayer. That is the issue that concerns us.

The lack of market-based information has an effect on the Federal budget—not only for consumers in terms of the monies they pay for but all taxpayers.

Whether in Congress—and I profoundly hope we will in fact—makes that prescription drug benefit a part of Medicare, or a subsequent Congress, this is an idea whose time has come. It will occur. It may not occur in my time. I leave at the end of this year. But it is going to occur. There are drastic cost implications. Without the benefit of this information, it will be very difficult.

Let’s just talk for a moment in terms of prices, information that is made available, and the generic formulas that we use for reimbursement. Although the average wholesale price is not a true market measure price—this is set by the industry—it is used to determine Medicare reimbursement for the few drugs that are currently covered by Medicare.

The prescription Medicare benefit is very limited. I would like to see the Medicare prescription benefit extended through Medicare as an option, as we have a voluntary option under Part B. Medicare won’t cover all the drugs, but there are some drugs that are covered in concert with the physician’s prescriptions.

The average wholesale price minus 5 percent—what is wrong with that? What is wrong with that is this average wholesale price is a fix. It means nothing. It is the price that the drug companies get together and tell us is the average wholesale price. Yet that is the reimbursement mechanism that is used for Medicare.

Medicaid, which is a program, as we all know, that involves participation by the Federal and the State governments and made available to the poor, is a way of our citizens, represents a rather substantial cost to the taxpayer. My recollection is that cost is in the neighborhood of about $17 billion a year. Here is how that formula worked. This is the Medicaid benefit: The average wholesale price times 10 percent. Remember, this is a price set by the pharmaceutical industry; it is not a market-driven price. Multiply that times the units—whatever the number of prescriptions, say an allergy drug or a substance you need to maintain your health; times 15.1 percent of the average manufacturer price. This is the one we are precluded from knowing. Or take the average manufacturer price, minus the best price. This information we don’t know, and we should be able to get this information.

What can happen with respect to the Medicare reimbursements—because the physicians who prescribe this medication get the average wholesale price minus 5 percent, we do not know what the physicians are actually paying the pharmaceutical industry for the drugs. According to the Justice Department, the Health and Human Services Office of Inspector General, the pharmaceutical industry has manipulated in order to reap greater Medicare reimbursements.

The way that works, the doctor prescribes something covered by Medicare and reimburses the average wholesale price minus 5 percent. In point of fact, your physician may be paying much, much less to the pharmaceutical industry. So the spread is the physician’s profit, and there is potential for abuse.

I am not suggesting in any way that a physician should not be compensated for his care. I am proud to say my son is a physician, a cardiologist. But you don’t want not to be able to know the wholesale price—which is this fiction we have talked about—and then allow the physician to seek payment from the pharmaceutical industry at a price that is substantially less than what Medicare is paying. That gouges the American taxpayer. That is the issue that concerns us.

As I have indicated, drug companies have artificially inflated this average wholesale price, which results in these inflated Medicare reimbursements to physicians, and the manufacturer then in turn provides the discounts, and the physicians can keep the difference. If the average wholesale price of the drug is $100, minus 5 percent would be $95, and if the physician actually only pays $50, the physician is getting $45 as part of that spread. That is much less than he is actually paying. Medicare, conversely, is reimbursing the physician at a far greater price than the physician is actually paying for that medication.

The need for better information has never been greater. Medicare drug benefit is critical and should be enacted this year. I truly hope it will be. Accurate market-based price information will ensure the best use of the taxpayer dollars financing this benefit and the lowest possible beneficiary coinurance; that is, the amount, the coinsurance, the beneficiary has to pay. And this should be available to the beneficiary. Transparency promotes a fair market. We are all for that, I believe. Price information leads to price competition. I think we are all for that. That competition leads to lower prices for employers, for health plans, and for consumers. I think we are all for that. So at a time when drug prices are increasing at two to three times the rate of the overall rate of inflation, referred to as the Consumer Price Index, at a time when the same drugs prescribed for pets—the identical medication—are priced lower than the same drug prescribed by prescriptions for doctors’ use for people,
at a time when the primary information consumers have about prescription drugs is through the $2 billion annually spent by the industry on direct-to-consumer advertising, and those ads never mention price—these are the things we are bombarded with on television; we see full pages in the leading newspapers in the country—at a time when Americans are traveling to foreign countries—to Canada and Mexico, in particular—to obtain lower prices, why shouldn’t we be doing whatever we can to encourage competition in the United States and to lower the price of drugs sold in this country?

I think it is a no-brainer. I think we should set the market forces in action. We simply need to allow the public to have access to readily available market-based information. This is common sense, easy-to-understand, easy-to-implement legislation. We should pass it this year. There is no new bureaucracy created. We can have the information on file at HHS. All this legislation would do is require it be made available. The potential benefits are enormous.

It will be interesting to see how this debate unfolds on this legislation because my colleagues have not heard the last of me on this issue. This makes a lot of sense, whether we do or do not succeed this year in extending a prescription benefit as part of Medicare. We ought to do it. We can do it. We should do it. I hope my colleagues will join me in a bipartisan effort to do so. I yield the floor.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 2964. A bill to amend the Internal Revenue Code of 1986 to provide new tax incentives to make health insurance more affordable for small businesses and for other purposes; to the Committee on Finance.

ACCESS TO AFFORDABLE HEALTH CARE ACT

Ms. COLLINS. Mr. President, today I am introducing legislation, the Access to Affordable Health Care Act, that is designed to make health insurance more affordable both for individuals and for small businesses that provide health care coverage for their employees.

In the past few years, Congress has taken some major steps to expand access to affordable health coverage for all Americans. In 1996, the Health Insurance Portability and Accountability Act—also known as Kassebaum-Kennedy—was signed into law which assures that American workers and their families will not lose their health care coverage if they change jobs, lose their jobs, or become ill.

One of the first bills I sponsored on coming to the Senate was legislation to establish the State Children’s Health Insurance Program, which was enacted as part of the Balanced Budget Act. States have enthusiastically responded to the program, which now provides affordable health insurance coverage to over two million children nationwide, including 9,965 in Maines’s expanded Medicaid and CubCare programs.

Despite these efforts, the number of uninsured Americans continues to rise. At a time when unemployment is low and our nation’s economy is thriving, more than 44 million Americans—including 200,000 Mainers—do not have health insurance. Clearly, we must make health insurance more available and more affordable.

Most Americans under the age of 65 get their health coverage through the workplace. It is therefore a common assumption that people without health insurance are unemployed. The fact is, however, that most uninsured Americans are members of families with at least one full-time worker. According to the Health Insurance Association of America, almost seven out of ten uninsured Americans live in a family whose head of household works full-time.

In business is not just a segment of the economy—it is the economy. I am, therefore, particularly concerned that uninsured, working Americans are most often employees of small businesses. Nearly half of the uninsured workers nationwide are in businesses with fewer than 25 employees.

According to a recent National Federation of Independent Businesses survey of over 1,000 firms, the cost of health insurance is the number one problem facing small businesses. And it has been since 1986. It is time for us to listen and to lend a hand to these small businesses.

Small employers generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. Premiums are generally higher for small businesses because they do not have as much purchasing power. They also have higher administrative costs because they have fewer employees among whom to spread the fixed costs of a health benefit plan. Many are not as able to spread risks of medical claims over as many employees as can large firms.

As a consequence, according to the Congressional Budget Office (CBO), only 42 percent of small businesses with fewer than 50 employees offer health insurance to their employees. By way of contrast, more than 95 percent of businesses with 100 or more employees offer insurance.

Moreover, the smaller the business, the less likely it is to offer health insurance to its employees. According to the Employee Benefit Research Institute (EBRI), only 27 percent of workers in firms with fewer than 20 employees received health insurance from their employers in their own name, compared with 66 percent of workers in firms with 1,000 or more employees.

Small businesses want to provide health insurance for their employees, but the cost is often prohibitive.

Simply put, the biggest obstacle to health care coverage in the United States today is cost. While American employers everywhere—from giant multinational corporations to the small corner store—are facing huge hikes in their health insurance costs, these rising costs are particularly problematic for small and low-wage workers and their employees. Many small employers are facing premium increases of 20 percent or more, causing them either to drop their health benefits or pass the additional costs on to their employees through higher copays, higher premiums or worse.

Most Americans—particularly lower-wage workers who are disproportionately affected by increased costs—to drop or turn down coverage when it is offered to them.

The legislation I am introducing today, the Access to Affordable Health Care Act, would help small employers cope with these rising costs. My bill would authorize small businesses to help make health insurance more affordable. It would encourage those small businesses that do not currently offer health insurance to do so and would help businesses that do now to provide more affordable coverage even in the face of rising costs.

Under my proposal, employers with fewer than ten employees would receive a tax credit of 50 percent of the employer contribution of employee health insurance. Employers with ten to 25 employees would receive a 30 percent credit. Under my bill, the credit would be based on an employer’s yearly qualified health insurance expenses of up to $2,500 for individual coverage and $4,000 for family coverage.

The legislation I am introducing today would also make health insurance more affordable for individuals and families who must purchase health insurance on their own. The Access to Affordable Health Care Act would provide an above-the-line tax deduction for individuals who pay at least 50 percent of the cost of their health and long-term care insurance. Regardless of whether an individual takes the standard deduction or itemizes, he or she would be provided relief by the new above-the-line deduction.

My bill would also allow self-employed Americans to deduct the full amount of their health care premiums. Some 25 million Americans are in families headed by a self-employed individual—of these, five million are uninsured. Establishing parity in the tax treatment of health insurance costs between the self-employed and those working for large businesses is not just a matter of equity. It will also help to reduce the number of uninsured, but working Americans. My bill will make health insurance more affordable for the 22,000 people in Maine who are self-employed. The bill includes our farmers, our hairdressers, our electricians, our plumbers, and the many owners of mom-and-pop stores that dot communities throughout the state.
Mr. President, the Access to Affordable Health Care Act would help small businesses afford health insurance for their employees, and it would also make coverage more affordable for working Americans who must purchase it on their own. I urge my colleagues to join me as cosponsors of this important legislation.

By Mr. HOLLINGS (for himself, Mr. GRAHAM, Mr. BREAUX, and Mr. CLELAND) S. 2965. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes: to the Committee on Commerce, Science, and Transportation.

THE PORT AND MARITIME SECURITY ACT OF 2000

Mr. HOLLINGS. Mr. President, I rise today, to introduce the Port and Maritime Security Act of 2000. This legislation is long overdue. It is needed to facilitate future technological advances and increases in international trade, and ensure that we have the sort of security control necessary to ensure that our borders are protected from drug smuggling, illegal aliens, trade fraud, threats of terrorism as well as potential threats to our ability to mobilize U.S. military force.

The Department of Transportation recently commenced an evaluation of our marine transportation needs for the 21st Century. In September 1999, the Transportation and Maritime Security Subcommittee of the Senate Committee on Commerce, Science, and Transportation issued a preliminary report of the Marine Transportation System (MTS) Task Force—An Assessment of the U.S. Marine Transportation System. The report reflected a highly collaborative effort among public sector agencies, private sector organizations and other stakeholders in the MTS.

The report indicates that the United States has more than 1,000 harbor channels and 25,000 miles of inland, intracoastal and coastal waterways in the United States which serve over 300 ports, with more than 3,700 terminals that handle passenger and cargo movements. These waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines and 45,000 miles of interstate highways. Annually, the U.S. marine transportation system moves more than 2 billion tons of domestic and international freight, imports 3.3 billion tons of domestic oil, transports passenger and cargo ferries, serves 78 million Americans engaged in recreational boating, and hosts more than 5 million cruise ship passengers.

The MTS provides economic value, as waterborne cargo contributes more than $742 billion to U.S. gross domestic product and creates employment for more than 13 million citizens. While these figures reveal the magnitude of our waterborne commerce, they don’t reveal the spectacular growth of waterborne commerce, nor do they reveal the potential problems in coping with this growth. It is estimated that the total volume of domestic and international trade is expected to double over the next twenty years. The doubling of trade also brings up the troubling issue of how the U.S. is going to protect our maritime borders from crime, threats of terrorism, or even our ability to mobilize U.S. armed forces.

Security at our maritime borders is given substantially less federal consideration than airports or land borders. In the aviation industry, the Federal Aviation Administration (FAA) is intimately involved in ensuring that security measures are developed, implemented, and funded. The FAA works with various Federal officials to assess threats directed toward commercial aviation and to target various types of security measures as potential threats change. For example, during the Gulf War, airports were directed to ensure that no vehicles were parked within a set distance of the entrance to a terminal.

Currently, each air carrier, whether a U.S. carrier or foreign air carrier, is required to submit a proposal on how it plans to meet its security needs. Air carriers also are responsible for screening passengers and baggage in compliance with FAA regulations. The types of security measures are considered and approved, and in many instances paid for by the FAA. The FAA uses its laboratories to check the machinery to determine if the equipment can detect explosives that are capable of destroying commercial aircraft. Clearly, we learned from the Pan Am 103 disaster over Lockerbie, Scotland in 1988. Congress passed legislation in 1990 “the Aviation Security Improvement Act,” which was carefully considered by the Commerce Committee, to develop the types of measures I noted above. We also made sure that airports, the FAA, air carriers and law enforcement worked together to protect the flying public.

Following the crash of TWA flight 800 in 1996, we also leaped to spend money, when it was first thought to have been caused by a terrorist act. The FAA spent about $150 million on additional screening equipment, and we continue today to fund research and development for better, and more effective equipment. Finally, the FAA is responsible for ensuring that background checks (employment records/criminal records) of security screeners and those handling explosives at airports are carried out in an effective and thorough manner.

The FAA, at the direction of Congress, is responsible for certifying screening companies, and has developed ways to better test screeners. This is all done in the name of protecting the public. Seaports deserve no less consideration.

At land borders, there is a similar investment in security by the federal government. In TEA-21, approved $130 million a year for five years for the National Border Infrastructure Improvement and Coordinated Border Infrastructure Program. Eligible activities under this program include improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicles and cargo movements; construction of highways and related safety enforcement facilities that facilitate movements related to international trade; and improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movements; and planning, coordination, design and location studies. By way of contrast, at U.S. seaports, the federal government invests nothing in infrastructure, other than the human presence of the U.S. Coast Guard, U.S. Customs Service, and the Immigration and Naturalization Service. What equipment those agencies have to accomplish their mandates. Physical infrastructure is provided by state-controlled port authorities, or by private sector marine terminal operators. There are no controls or inspections in place, except for certain standards promulgated by the Coast Guard for the protection of cruise ship passenger terminals. Essentially, where sea ports are concerned we have abrogated the federal responsibility of border control to states and private sector.

I think that the U.S. Coast Guard and Customs Agency are doing an outstanding job, but they are outgunned. There is simply too much money in the illegal activities they are seeking to curtail or eradicate, and there is too much traffic coming in, and out of the United States. For instance, in the most recent data available, 1999, we had more than 20 million Tons of cargo imported close to 5 million truckloads of cargo. According to the Customs Service, seaports are able to inspect between 1 percent and 2 percent of the containers, so in other words, a drug smuggler has a 98 percent chance of going illegal entry.

It is amazing to think, that when you or I walk through an international airport we will walk through a metal detector, and our bags will be x-rayed, and Customs will interview us, and may check our bags. However, at a U.S. seaport you could import a 48 feet truck load of cargo, and have at least a 98 percent chance of not even being inspected. It just doesn’t seem right.

For instance, in my own state, the Port of Charleston which is the largest container port in the United States. Customs officials have no equipment capable of x-raying intermodal shipping containers. Customs, which is understaffed to start with, must physically open containers, and request the use of a canine unit from local law enforcement to help with drug or illegal contraband detections.

The need for the elevation of higher scrutiny of our system of seaport security came at the request of Senator
GRAHAM, and I would like to at this time commend him for his persistent efforts to address this issue. Senator GRAHAM has had problems with security at some of the Florida seaports, and although the state has taken some steps to address the issue, there is a great need for considerable improvement. Senator GRAHAM laudably convinced the President to appoint a Commission, designed similarly to the Aviation Security Commission, to review security at U.S. seaports.

The Commission visited twelve major U.S. seaports, as well as two foreign ports. It compiled a record of countless hours of testimony and heard from, and reviewed the security practices of the shipping industry. It also met with local law enforcement officials to discuss the issues and their experiences as a result of seaport related crime. Unfortunately, the report will not be publicly available until sometime in the fall; however, Senator GRAHAM's staff and my staff have worked closely with the Commission, to develop legislation—the bill that we are introducing—to address the Commission's concerns.

For my part, the Commission found that twelve U.S. seaports accounted for 56 percent of the number of cocaine seizures, 32 percent of the marijuana seizures, and 65 percent of heroin seizures in commercial cargo shipments and vessels at all ports of entry nationwide.

Yet, we have done relatively little, other than send in an understaffed contingency of Coast Guards and Customs officials to do whatever they can. Drug smuggling, the only criminal problem confronting U.S. seaports. For example, alien smuggling has become an increasingly lucrative enterprise. To illustrate, in August of 1999, I.N.S. officials found 132 Chinese men hiding aboard a container ship docked in Savannah, Georgia. The INS district director was quoted as saying: "This was a very sophisticated ring, and never in my 23 years with the INS have I seen anything as large or sophisticated". According to a recent GAO report (RPT-Number: B-283852), smugglers collectively may earn as much as several billion dollars per year bringing in illegal aliens.

Another problem facing seaports is cargo theft. Cargo theft does not always occur at seaports, but in many instances the theft has occurred because of knowledge of cargo contents. International provides access to a lot of information and a lot of cargo to many different people along the course of its journey. We need to take steps to ensure that we do not facilitate theft. Losses as a result of cargo theft have been estimated as high as $20 billion annually, and it has been reported to have increased by as much as 20 percent recently. The FBI has become so concerned that it recently established a multi-district task force, Operation Sudden Stop, to crack down on cargo crime.

The other issues facing seaport security may be less evident, but potentially of greater threat. As a nation in general, we have been relatively lucky to have been free of some of the terrorist threats that have plagued other nations. However, we must not become complacent. U.S. seaports are extremely exposed. On a daily basis many seaport-related cargo shipments cause serious illness and death to potentially large populations of civilians living near seaports if targeted by terrorism.

The sheer magnitude of most seaports provides a potential for established population centers, the open nature of the facility, and the massive quantities of hazardous cargoes being shipped through a port could be extremely threatening to the large populations that live in areas surrounding our seaports. The same conditions in U.S. seaports, that could expose us to threats from terrorism, could also be used to disrupt our abilities to mobilize militarily. During the Persian Gulf War, 98 percent of our military cargo was carried by sea. If sea service could have resulted in a vastly different course of history. We need to ensure that it does not happen to any future military contingencies.

As I mentioned before, our seaports are internationally important, and consequently we should treat them as such. However, I am realistic about the possibilities for increasing seaport security, the realities of international trade, and the many functional differences that exist among different seaport localities. Seaports by their very nature, are open and exposed to surrounding areas, and as such it will be impossible to control all aspects of security, however, sensitive or critical safety areas should be protected. I also understand that U.S. seaports have different security needs in form and scope. For instance, a seaport in Alaskan, that has very little international cargo does not need the same degree of attention as a seaport in a major urban, metropolitan center, which imports and exports thousands of international shipments. However, the legislation we are introducing today will allow for public input and will consider local issues in the implementation of new guidelines on port security, so as to address such details.

Substantively, the Port and Maritime Security Act establishes a multi-pronged effort to address security concerns. The bill authorizes the Port and Maritime Administration to develop voluntary minimum security guidelines that are linked to the U.S. Coast Guard Captain-of-the-Port controls, to include a model port concept, and to develop the necessary guidelines. The bill will establish a Port Security Committee to be established for each seaport to participate in the formulation of security guidelines, and the Coast Guard is required to pursue the international adoption of similar security guidelines. Additionally, the Maritime Administration is required to pursue the adoption of proper private sector accreditation of ports that adhere to guidelines (similar to a underwriters lab approval, or ISO 9000 accreditation in industry).

The bill also authorizes additional loan guarantees to cover the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems and other types of physical enhancements. The bill also authorizes up to $10 million, annually, for four years, to cover costs, as defined by the Credit Reform Act, which could guarantee up to $200 million in loans for security enhancements. The bill also establishes a matching grant program to develop and transfer technology to enhance security at U.S. seaports. The U.S. Customs Service may award up to $12 million annually for four years for this technology program, which is required to be awarded on a competitive basis. Long-term technology development is needed to ensure that we can develop non-intrusive technology that will allow trade to expand, but also allow us greater ability to detect criminal threats.

The bill also authorizes additional funding for the U.S. Customs Service to carry out the requirements of the
bill, and more generally, to enhance seaport security. The bill requires a report to be attached on security and a revision of 1997 document entitled "Port Security: A National Planning Guide." The report and revised guide are to be submitted to Congress and are to include a description of activities undertaken under the Port and Maritime Security Act of 2000, in addition to analysis of the effect of those activities on port security and preventing acts of terrorism and crime.

The bill requires the Attorney General, to the extent feasible, to coordinate reporting of seaport related crimes and to work with state law enforcement officials to harmonize the reporting of data on cargo theft. Better data will be crucial in identifying the extent and location of criminal threats and will facilitate law enforcement efforts combating crime. The bill also requires the Secretaries of Agriculture, Treasury, and Transportation, as well as the President, to establish an interagency task force to develop a system of providing port security committees at each U.S. port. The task force is to be composed of representatives familiar with port operations, including port labor.

In February of this year, the Commission on Crime and Security in Maritime Transportation has conducted on-site surveys of twelve (12) U.S. seaports, including the Florida ports of Miami and Port Everglades. The Commission also held focus group sessions with representatives of Government agencies and the trade community. The results of the on-site surveys and focus group sessions were held with representatives of Government agencies and the trade community. The focus group meetings with Federal agencies, State and local government officials, and the trade community were designed to solicit their input regarding issues involving crime, security, cooperation, and the appropriate government response to these issues. The Commission also reviewed a large number of seaport security plans and procedures in order to assess their security procedures and use their standards and procedures as a "benchmark" for operations at U.S. ports.

In February of this year, the Commission issued preliminary findings which outlined many of the common security problems that were discovered in U.S. seaports. Among other conclusions, the Commission found that: (1) intelligence and information sharing among law enforcement agencies needs to be improved; and (2) many seaport security assessments do not have any idea about the threats they face, because vulnerability assessments are not performed locally; (3) a lack of minimum security standards at ports and at terminals, warehouses, and trucking firms, leaves many ports and port users vulnerable to theft, pilferage, and unauthorized access by criminals; and (4) advanced equipment, such as small boats, camcorders, and handheld tritium large scale x-rays, are lacking at many high-risk ports. Although the Commission's final report will not be released until later this summer, I have worked closely with them to draft this legislation.

Therefore, in 1998, I asked the President to establish a Federal commission to evaluate both the nature and extent of crime and the overall state of security in seaports, and to develop recommendations for improving the response of Federal, State and local agencies to all types of seaport crime. In response to my request, President Clinton established the Interagency Commission on Crime and Security in U.S. Seaports on April 27, 1999. Over the past year, the Commission has conducted on-site surveys of twelve (12) U.S. seaports, including the Florida ports of Miami and Port Everglades. In addition, close to 200 interviews and focus group sessions were held with representatives of Government agencies and the trade community. The focus group meetings with Federal agencies, State and local government officials, and the trade community were designed to solicit their input regarding issues involving crime, security, cooperation, and the appropriate government response to these issues. The Commission also visited two large ports, including the international port of Felixstowe, in order to assess their security procedures and use their standards and procedures as a "benchmark" for operations at U.S. ports.

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To ensure full implementation of this legislation, the bill requires the U.S. Coast Guard to establish local port security committees at each U.S. seaport. Membership of these committees will include representatives of the local port authority, labor organizations, the private sector, and Federal, State, and local government officials. The committees will be chaired by the local U.S. Coast Guard Captain-of-the-Port.

In addition, our bill requires the Task Force on Port Security to develop a system of providing port security threat assessments for U.S. seaports, and to revise these assessments at least every three years. The local port security committees will participate in the analysis of threat and security concerns.

Perhaps most important, the bill requires the Task Force to develop voluntary minimum security guidelines for seaports, develop a "model port" concept for all seaports, and include recommended "best practices" guidelines for use by maritime terminal operators. Again, local port security committees are to participate in the formulation of these security guidelines, and the Coast Guard is required to pursue the international adoption—through the International Maritime Organization and other organizations—of similar security guidelines.

Some States and localities have already conducted seaport security reviews, and have implemented strategies to correct the security shortfalls that they have discovered. In 1999, Florida initiated comprehensive security review of seaports within the state. Led by James McDonough, Director of the governor's Office of Drug Control, the review found that 150 to 200 percent of the U.S. total-flow into Florida annually through ports throughout the state.
Both the Florida Legislature and the Florida National Guard recognized the need to address this growing problem and acted decisively. Legislation was introduced in the Florida Senate that called for the development and implementation of statewide port security plans, including requirements for minimum security standards and compliance inspections. In fiscal year 2003, the Florida National Guard will commit $1 million to provide counter-narcotics support at selected ports-of-entry. This is in addition to the $3 million Customs Service interdiction efforts and enhance overall security at these ports.

In a July 21, 2000, editorial in the Tallahassee Democrat, Mr. McDonough identifies the evaluation of Florida’s seaports and the implementation of security standards as a priority initiative in stemming the flow of drugs into Florida.

We realize that U.S. seaports are a joint federal, state, and local responsibility. The bill seeks to support comprehensive port security efforts such as the one in Florida. Therefore, our bill provides significant incentives for both port infrastructure improvements and research and development on new port security equipment.

The bill authorizes the Maritime Administration to provide title XI loan guarantees to cover the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems, as well as other physical security enhancements. The authorization level of $10 million annually, for four years, could guarantee up to $400 million in loans for seaport security enhancements.

In addition, the legislation will also establish a matching grant program to develop and transfer technology to enhance security at U.S. seaports. The U.S. Customs Service may award up to $12 million annually, for four years, for this competitive grant program.

We also must improve the reporting on, and response to, seaport crimes as they take place. Therefore, the bill requires the Attorney General to coordinate reports of seaport-related crimes and to work with State law enforcement officials to harmonize the reporting of data of cargo theft. To facilitate this coordination, the bill authorizes $2 million annually, for four years, to modify the Justice Department’s National Drug Intelligence Center’s National Reporting Center system. It also authorizes grants to states to help them modify their reporting systems to capture crime data more accurately.

In order to pay for all of these important initiatives, the bill would reauthorize an extension of tonnage duties through 2006. It would also make available $40,000,000 from the collection of these duties to carry out all of the provisions of the Port and Maritime Security Act. Currently, the collection of tonnage duties is directed to a specific program. Implementing the provisions of the Port and Maritime Security Act of 2000 will produce concrete improvements in the efficiency, safety, and security of our nation’s seaports, and will result in a demonstrable benefit for those who currently pay tonnage duties.

Seaports play an integral role in expanding our international trade and protecting our borders from international threats. The “Port and Maritime Security Act” recognizes these important responsibilities of our seaports, and devotes the necessary resources to move ports into the twenty-first century by paving the way to look towards the future by supporting this critical legislation—and by taking action to protect one of our most valuable tools in promoting economic growth.

Mr. President, I ask unanimous consent to print the July 21, 2000 editorial from The Tallahassee Democrat in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"(From the Tallahassee Democrat, July 21, 2000)

FLORIDA’S DRUG WAR: LOOKING BACK—AND AHEAD

(By James R. McDonough)

The recent signing of anti-drug legislation by Gov. Jeb Bush should come as welcome news to Debbie Alumbaugh and parents like her.

In 1986, Michael Tiedemann, the Fort Pierce woman’s 15-year-old son, choked to death on his vomit after getting sick from ingesting GHB and another drug. GHB is one of several “club” or “designer” drugs that are a growing problem in Tallahassee, as pointed out recently in a letter to the Democrat by Rosalind Tompkins, director of the newly created Anti-Drug Anti-Violence Alliance. The new law won’t bring Michael back, but it lessens the chance that GHB and other dangerous substances will fall into other young hands. Gov. Bush, who has made reducing drug abuse one of his top priorities, approved the following anti-drug measures passed during the 2000 session:

A controlled substance act, which is aimed at GHB, which is used in date rape and other illegal drug use.
A money-laundering bill designed to tighten security at Florida’s seaports. The measure also creates a contraband interdiction team that will search vehicles for illegal drugs.
A bill that applies the penalties under Florida’s “10/20/Life” law to juveniles who carry a gun while trafficking in illegal drugs.

By Mr. JEFFORDS (for himself, Mr. BAUCUS, Mr. EDWARDS, and Mr. ROTH):

S. 2966. A bill to amend the Fair Labor Standards Act of 1938 to prohibit retaliation or discrimination against individuals or companies relating to disclosure of employee wages, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE WAGE AWARENESS PROTECTION ACT

Mr. JEFFORDS. Mr. President, it is with great pride that I introduce the Wage Awareness Protection Act.

We have made great strides in the fight against workplace discrimination. The enactment of the Civil Rights Act of 1991, for example, is a major step toward ending discrimination at the workplace. In 1963, Congress re-affirmed this commitment by passing the Civil Rights Act of 1963, and to Title VII of the 1964 Civil Rights Act. More recently, Congress re-affirmed this commitment by passing the Civil Rights Act of 1991, which expanded the 1964 Civil Rights Act and gave victims of intentional discrimination the ability to recover compensatory and punitive damages.
Certainly a lot has changed since we first enacted these laws. It should come as no surprise that the late women are participating in the labor force than ever before, with women now making up an estimated 45 percent of the workforce. But we are also spending more time in school and are now earning over half of all bachelor's and master's degrees. In addition, women are breaking down longstanding barriers in certain industries and occupations.

Despite these advances, the unfortunate reality is that pay discrimination has continued to persist in some workplaces. In a recent hearing before the Committee on Health, Education, Labor and Pensions, we heard testimony that a principal reason why gender-based wage discrimination has continued is that many female employees are simply unaware that they are being paid less than their male counterparts. These unwitting victims of wage discrimination are often kept in the dark by employer policies that prohibit employees from sharing salary information. Employees are warned that they will be reprimanded or terminated if they discuss salary information with their co-workers.

I believe that a fundamental barrier to uncovering and resolving gender-based pay discrimination is fear of employer retaliation. Employees who suspect wage discrimination should be able to share their salary information with co-workers. I am not alone in my belief. According to a recent Business and Professional WomenUSA survey, Americans overwhelmingly support anti-retaliation legislation. And, 65 percent of those polled, said they believe legislation should protect those who suspect wage discrimination from employer retaliation for discussing salary information with co-workers.

The Worker Awareness Protection Act would empower employees from having blanket wage confidentiality policies prevent employees from sharing their salary information. In addition, this new legislation will bolster the Equal Pay Act's retaliation provisions including providing workers with protection from employer retaliation for voluntarily discussing their own salary information with co-workers. I am excited about this legislation. It is my hope that it will help point the way to elimination of any pernicious discriminatory practices.

I urge all my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2966

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 “Wage Awareness Protection Act”.

SEC. 2. PROHIBITED ACTS.

(a) Prohibition on Retaliation and Confidentiality Policies.—Section 6(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)) is amended—

(1) by redesignating paragraph (4) as paragraph (6); and

(2) by inserting after paragraph (3) the following:

“(4) It shall be unlawful for any person—

(A) to discharge or in any other manner discriminate against any employee because such employee—

(i) has made a charge, assisted, or participated in any manner in an investigation, hearing, or other proceeding under this subsection; or

(ii) has inquired about, discussed, or otherwise disclosed the wages of the employee, or another employee who is not covered by, a confidentiality policy that is unlawful under subparagraph (B); or

(B) to make or enforce a written or oral confidentiality policy that prohibits an employee from inquiring about, discussing, or otherwise disclosing the wages of the employee or another employee, except that nothing in this subparagraph shall be construed—

(i) to prohibit an employer from making or enforcing such a confidentiality policy, except that an employer may prohibit the employee from inquiring about, discussing, or otherwise disclosing the wages of the employee, that prohibits the employee from and any other employee who is not covered by a confidentiality policy that is unlawful under subparagraph (B); or

(ii) has inquired about, discussed, or otherwise disclosed the wages of the employee, except that an employee may discuss or otherwise disclose the employee’s own wages; and

(iii) to require the employer to disclose an employee’s wages.

(5) For purposes of sections 16 and 17, a violation of paragraph (4) shall be treated as a violation of section 18(a) (other than as a violation of this subsection).

(b) Conforming Amendment.—Section 6(d)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(d)(3)) is amended by inserting “other than that paragraph (4)” after “this subsection”.

By Mr. MURKOWSKI (for himself, Mr. GORTON, Mr. KERRY, and Mr. JEFFORDS):

S. 2967. A bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry; to the Committee on Finance.

THE ELECTRIC POWER INDUSTRY TAX MODERNIZATION ACT

Mr. MURKOWSKI. Mr. President, today I am joined by Senators GORTON, KERRY and JEFFORDS in introducing the Electric Power Industry Tax Modernization Act, legislation that will facilitate the opening up of the nation’s energy grid to electricity competition. This landmark legislation demonstrates the good faith of the most important players in the industry—the investor owned utilities (IOUs) and the municipal utilities.

In the Energy Committee, which I currently Chair, we have held more than 18 days of hearings and heard testimony from more than 160 witnesses on electricity restructuring. Although those 160 witnesses had many differing views, every witness agreed that the tax laws must be rewritten to reflect the new reality of a competitive electric market.

Already, 24 states have implemented or are considering deregulation schemes. Faced with that reality, the federal tax laws must be updated to ensure that tax laws which made sense when electricity was a regulated monopoly are not allowed to interfere with opening up the nation’s electrical infrastructure to competition.

Last October I held a hearing in the Finance Committee Subcommittee on Long Term Growth to examine all of the tax issues that confront the industry. At the end of the hearing I urged the negotiating parties to sit down at the negotiating table and hammer out a consensus that will resolve the tax issues.

The bill we are introducing today reflects the compromise that has been reached between the IOUs and the municipal utilities.

One of the major problems that the current tax rules create is to undermine the efficiency of the entire electric system in a deregulated environment. In these rules effectively preclude public power entities from participating in State open access restructuring plans, without jeopardizing the exempt status of their bonds. No one wants to see public power become retroactively taxable because a municipality chooses to participate in a state open access plan. That would cause havoc in the financial markets and could undermine the financial stability of many municipalities.

The bill we are introducing overcomes this problem by allowing municipal systems to elect to terminate the issuance of new tax-exempt bonds for generation facilities in return for grandfathering existing bonds. In addition, the bill allows tax-exempt bonds to be issued to finance some new transmission facilities.

I recognize that in making these two changes, in the tax law, the municipal utilities have given up a substantial financing tool that has been at the heart of the controversy between the municipal utilities and the IOUs. In the same time that the bill is being considered by the Senate Finance Committee, the bill updates the tax code to reflect the fact that the regulated monopoly model no longer exists. For example, the bill modifies the current rules regarding the treatment of nuclear decommissioning costs to make certain that utilities will have the resources to meet those future costs and clarifies the tax treatment of these funds if a nuclear facility is sold.

The bill also provides tax relief for utilities that spin off or sell transmission facilities. In return for participation in FERC approved regional transmission organizations.

Another section of the bill changes the tax rules regarding contributions in aid of construction for electric and transmission and distribution facilities. This is an especially important provision; however when this bill is considered in the Finance Committee, I intend to modify this proposal so that it is expanded to all contributions in aid of construction for electric transmission and distribution.

The IOUs and the Municipal utilities are to be commended for coming up with the new reality of a competitive electrical market.
with this agreement. However, there is one other element of the tax code that needs to be addressed if we are going to open the entire grid to competition. And that sector is the cooperative sector.

Currently, coops may not participate in wheeling power through their lines because of concern that they will violate the so-called 85–15 test. I urge the coops to sit down with the other utilities and reach an accord so that when we consolidate, the coops will be included in a tax bill.

Mr. GORTON. Mr. President, today I am extremely pleased to co-sponsor the Electric Power Industry Tax Modernization Act. This legislation, when enacted, will contribute to a more reliable and efficient electric power industry that will provide benefits for all Americans connected to the interstate power grid.

I have been working for three years to resolve the tax problems for consumer-owned municipal utilities, those that are often referred to as Public Power. Nearly half the citizens of my state are served by Public Power. These problems are due to outdated tax statutes that were written in a different era—an era where the emerging competition in the wholesale electricity market was not envisioned. The negative effects of these outdated tax provisions have impacted not only consumers of Public Power, but also tens of millions of other customers. Public Power is often prevented from sharing the use of their transmission systems soiled to these tax provisions. These outdated tax provisions are negatively impacting the reliability of entire regions of our nation, adding stress to an already stressed system.

In addition to Public Power, other types of utilities are prevented from adapting to this new era of emerging competition by other constraints in this outdated area of the tax law. All of these uncertainties have led to a condition where investment has slowed in this sector of the economy, as we need more investment to assure sufficient power plants and transmission lines to feed a growing economy that is increasingly dependent on reliable and affordable electricity.

This compromise bill includes the essence of my legislation, S. 386, The Bond Fairness and Protection Act that I introduced last year with Senator KERREY from Nebraska, a bill that included 32 co-sponsors in the Senate. This legislative language will allow Public Power to move into the future with certainty, and protects the millions of American citizens who hold current investments in Public Power.

The bill also includes legislative language that resolves conflicts for investor-owned utilities. These changes are also needed to solve problems in other parts of the outdated tax code that pertains to electricity. The new provisions will also help contribute to a more reliable and orderly electricity system in our nation.

I look forward to gaining additional support for this bill among the other members of the Senate, and I look forward to the Finance Committee’s consideration of this legislation in September. As soon as this legislation can be enacted, American electricity consumers will be able to enjoy a more certain and reliable future regarding their electricity needs.

Mr. KERREY. Mr. President, today I wish to join my colleagues, Senator MURkowski, GORTON, and JEFFORDS in introducing legislation that will help ensure that customers receive reliable and affordable electricity. The Electric Power Industry Tax Modernization Act is the culmination of months-long discussions between shareholder-owned utilities and publicly-owned utilities. Without the diligence and patience exhibited by these groups, it is doubtful that Congress could be in the position to act on this issue. Additionally, I would like to recognize the efforts of Senator MURkowski, Senator GORTON, whose efforts at getting these groups to sit down and discuss these issues was invaluable to the final agreement.

Mr. President, this legislation will ensure that Nebraskans continue to benefit from the publicly-owned power they currently receive. Nebraska has 154 not-for-profit community-based public power systems. It is the only state which relies entirely on public power for electricity. This system has served my state for decades. Nebraskans have enjoyed some of the lowest electricity rates in the nation.

In closing, I would urge my colleagues to join this bipartisan effort to address the changes steering from electrical restructuring.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2967

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 “Electric Power Industry Tax Modernization Act”.

SEC. 2. TAX-EXEMPT BOND FINANCING OF CERTAIN ELECTRIC FACILITIES. —

(a) RULES APPLICABLE TO ELECTRIC OUTPUT FACILITIES.—Subpart A of part IV of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to tax exemption requirements for State and local bond issues) is amended by inserting after section 141 the following new section:

"SEC. 141A. ELECTRIC OUTPUT FACILITIES. —

(1) Election To Terminate Tax-Exempt Bond Financing For Certain Electric Output Facilities.—

(A) IN GENERAL.—A governmental unit may make an irrevocable election under this paragraph to terminate certain tax-exempt financing for electric output facilities. If the governmental unit makes such election, then—

(a) except as provided in paragraph (2), on or after the date of such election the governmental unit may not issue with respect to an electric output facility any bond the interest on which is exempt from tax under section 103, and

(b) notwithstanding paragraph (1) or (2) of section 141(a) or paragraph (4) or (5) of section 141(b), no bond which was issued by such unit with respect to an electric output facility before the date of enactment of this subchapter shall be treated as a private activity bond.

(C) EXCEPTION.—An election under paragraph (1) does not apply to any of the following bonds:

(i) Any bond issued to finance a qualified transmission facility or a qualifying distribution facility.

(ii) Any bond issued to finance equipment or facilities necessary to meet Federal or State environmental requirements applicable to an existing generation facility.

(iii) Any bond issued to finance repair of an existing generation facility. Repairs of facilities may not increase the generation capacity of the facility by more than 3 percent above the greater of its nameplate or rated capacity as of the date of enactment of this section.

(iv) Any bond issued to acquire or construct a qualified facility, as defined in section 46(a)(3), if such facility is in service during a period in which a qualified facility may be placed in service under such section, or (i) any energy property, as defined in section 46(a)(3).

(3) FORM AND EFFECT OF ELECTION.—

(A) IN GENERAL.—An election under paragraph (1) shall be made in such a form as the Secretary prescribes and shall be binding on any successor in interest to, or any related party with respect to, the electing governmental unit. For purposes of this paragraph, a governmental unit shall be treated as related to another governmental unit if it is a member of the same controlled group.

(B) TREATMENT OF ELECTING GOVERNMENTAL UNIT.—A governmental unit which makes an election under paragraph (1) shall be treated for purposes of section 104 as a person which is not a governmental unit and which is engaged in a trade or business, with respect to its purchase of electricity generated by an electric output facility placed in service after such election, and which purchase is under a contract executed after such election.

(4) DEFINITIONS.—For purposes of this subsection—

(A) EXISTING GENERATION FACILITY.—The term ‘existing generation facility’ means an electric generation facility in service on the date of the enactment of this Act or the construction of which commenced before June 1, 2000.

(B) QUALIFYING DISTRIBUTION FACILITY.—The term ‘qualifying distribution facility’ means a distribution facility over which open access distribution services described in subsection (b)(2)(C) are provided.

(C) QUALIFYING TRANSMISSION FACILITY.—The term ‘qualifying transmission facility’ means a local transmission facility (as defined in section 48(a)(3)) and which is engaged in a trade or business, with respect to the construction of which commenced before the date of the enactment of this Act or the operation of which is not subject to Federal or State regulation.

(D) GENERAL RULE.—For purposes of this section and section 104, the term ‘private business use’ shall not include a permitted business use for bonds which remain subject to private use rules.
open access activity or a permitted sales transaction.

‘(2) PERMITTED OPEN ACCESS ACTIVITIES.—For purposes of this section, the term ‘permitted open access activity’ means any of the following transactions or activities with respect to an electric output facility owned by a governmental unit:

(A) All transactions for discriminatory open access transmission service and ancillary services—

(i) pursuant to an open access transmission tariff filed with and approved by FERC, but in the case of a voluntarily filed tariff, only if the governmental unit voluntarily files a tariff in accordance with regulations prescribed by the Secretary.

(A) A regional transmission organization has agreed in paragraph (c) or (h) of section 35.34 of title 18 of the Code of Federal Regulations or successor provision (relating to whether or not the issue of open access transmission organization) not later than the later of the applicable date prescribed in such paragraphs or 60 days after the date of the enactment of this section.

‘(ii) under an independent system operator agreement, regional transmission organization agreement, or regional transmission group agreement filed with FERC, or

(iii) in the case of an ERCOT utility (as defined in section 212(k)(2)(B) of the Federal Power Act (16 U.S.C. 2622(k)(2)(B)), pursuant to a tariff agreed by the Public Utility Commission of Texas.

(B) Participation in—

(i) an independent system operator agreement, or

(ii) a regional transmission organization agreement, or

(iii) a regional transmission group, which has been approved by FERC, or by the Public Utility Commission of Texas in the case of an ERCOT utility (as so defined).

Such a tariff must give all users of control of transmission facilities to an organization described in clause (i), (ii), or (iii).

(C) Delivery on a nondiscriminatory open access basis of electric energy sold to end users served by distribution facilities owned by such governmental unit.

(D) Delivery on a nondiscriminatory open access basis of electric energy generated by generation facilities connected to distribution facilities owned by such governmental unit.

(E) Other transactions providing nondiscriminatory open access transmission or distribution services under Federal, State, or local electric utility regulation, or similar programs, to the extent provided in paragraphs (a) or (b) of section 35.34 of title 18 of the Code of Federal Regulations or successor provision (relating to whether or not the issue of open access transmission organization) not later than the later of the applicable date prescribed in such paragraphs or 60 days after the date of the enactment of this section.

‘(ii) under an independent system operator agreement, regional transmission organization agreement, or regional transmission group agreement filed with FERC, or

‘(iii) in the case of an ERCOT utility (as defined in section 212(k)(2)(B) of the Federal Power Act (16 U.S.C. 2622(k)(2)(B)), pursuant to a tariff agreed by the Public Utility Commission of Texas.

(B) Participation in—

(i) an independent system operator agreement, or

(ii) a regional transmission organization agreement, or

(iii) a regional transmission group, which has been approved by FERC, or by the Public Utility Commission of Texas in the case of an ERCOT utility (as so defined).

Such a tariff must give all users of control of transmission facilities to an organization described in clause (i), (ii), or (iii).

(C) Delivery on a nondiscriminatory open access basis of electric energy sold to end users served by distribution facilities owned by such governmental unit.

(D) Delivery on a nondiscriminatory open access basis of electric energy generated by generation facilities connected to distribution facilities owned by such governmental unit.

(E) Other transactions providing nondiscriminatory open access transmission or distribution services under Federal, State, or local electric utility regulation, or similar programs, to the extent provided in regulations prescribed by the Secretary.

‘(3) PERMITTED SALES TRANSACTION.—For purposes of this section, the term ‘permitted sales transaction’ means any of the following sales of electric energy from existing generation facilities as defined in subsection (a)(A):

‘(A) The sale of electricity to an on-system purchaser, if the seller provides open access distribution service under paragraph (2)(C) of such subsection, if later than the year described in clause (i) or (ii),

‘(B) The sale of electricity to a wholesale native load purchaser or in a wholesale stranded cost mitigation sale.

‘(C) Any bond issued to finance—

‘(i) any repair of a transmission facility in service on the date of the enactment of this section, so long as the repair does not increase the voltage level over its level in the year base or increase the thermal load limit on the transmission for more than 3 percent over such limit in the year base.

‘(ii) any qualifying upgrade of a transmission facility in service on the date of the enactment of this section, or

‘(iii) a transmission facility necessary to comply with an obligation under a shared or reciprocal transmission agreement in effect on the date of the enactment of this section.

‘(3) LOCAL TRANSMISSION FACILITY DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

‘(A) LOCAL TRANSMISSION FACILITY.—The term ‘local transmission facility’ means a transmission facility which is owned within the governmental unit’s distribution area or which is, or will be, necessary to supply electric service to wholesale native load or wholesale native load of 1 or more governmental units.

‘(B) WHOLESALE NATIVE LOAD.—The term ‘wholesale native load’ includes—

‘(i) the retail native load of a governmental unit’s wholesale native load or wholesale native load purchasers or in a wholesale stranded cost mitigation sale.

‘(C) WHOLESALE NATIVE LOAD PURCHASER.—The term ‘wholesale native load purchaser’ means a wholesale native load purchaser as to whom the governmental unit had

‘(i) a service obligation at wholesale in the base year, or

(ii) an obligation in the base year under a requirements contract, or under a firm sales contract which has been in effect for (or has an initial term of) at least 10 years.

‘(iii) If actual sales under this subparagraph during the recovery period do not exceed the sum of the annual allowed losses for each year of the recovery period.

‘(iii) If actual sales under this subparagraph during the recovery period are less than allowable sales under clause (i), the amount not sold (but not more than 10 percent of the aggregate allowable sales under clause (i)) may be carried over and sold as wholesale stranded cost mitigation sales in the calendar year following the recovery period.

‘(D) RECOVERY PERIOD.—The recovery period is the period to wholesale native load purchasers in the year beginning with the start-up year.

‘(E) START-UP YEAR.—The start-up year is whichever of the following years the governmental unit elects:

‘(i) The year the governmental unit first offers open transmission access.

‘(ii) The first year in which at least 10 percent of a governmental unit’s wholesale native load customers’ aggregate retail native load is open to retail competition.

‘(iii) The calendar year which includes the date of the base year, but only to the extent that sales under the contract exceed the lesser of—

‘(i) in any year, the private business use which results from the implementation of this section, or

‘(ii) the maximum amount of private business use which could occur (absent the enactment of this section) without causing the governmental unit to exceed its stranded cost obligations.

‘(a) WHAT IS STRANDED COST MITIGATION.—This subsection applies to—

‘(1) any repair of a transmission facility in service on the date of the enactment of this section, if later than the year described in clause (i) or (ii),

‘(2) PERMITTED SALES TRANSACTIONS UNDER EXISTING CONTRACTS.—A sale to a wholesale native load purchaser (other than a person to whom the governmental unit had a service obligation) under a contract which resulted in private business use in the base year shall be treated as a permitted sales transaction only to the extent that sales under the contract exceed the lesser of—

‘(i) in any year, the private business use which results from the implementation of this section, or

‘(ii) the maximum amount of private business use which could occur (absent the enactment of this section) without causing the governmental unit to exceed its stranded cost obligations.

This subparagraph shall only apply to the extent that the sale is allocable to bonds issued before the date of the enactment of this section or bonds issued to refund such bonds.

‘(3) JOINT ACTION AGENCIES.—A joint action agency, or a member of (or a wholesale native load purchaser from) a joint action agency, which is entitled to make a sale described in subparagraph (A) or (B) in a year, may transfer the entitlement to make the sale to the member (or purchaser), or the joint action agency, respectively.

‘(4) DEFINITIONS AND SPECIFIC RULES.—For purposes of this subsection:

‘(A) ON-SYSTEM PURCHASER.—The term ‘on-system purchaser’ means a person whose electric facilities or equipment are directly connected with transmission or distribution facilities owned or controlled by a governmental unit, and such person—

‘(i) purchases electric energy from such governmental unit at retail and either owns or operates no transmission facilities to an organization described in paragraphs (a) or (b) of section 141(e),

‘(ii) any repair of a transmission facility in service on the date of the enactment of this section, if later than the year described in clause (i) or (ii),

‘(iii) a regional transmission organization agreement, or

‘(iv) an agreement, or a member of (or a wholesale native load purchaser from) a joint action agency, which is entitled to make a sale described in subparagraph (A) or (B) in a year, may transfer the entitlement to make the sale to the member (or purchaser), or the joint action agency, respectively.

‘(A) any transmission facility which is not a local transmission facility, or

‘(B) a start-up utility distribution facility.

‘(2) EXCEPTIONS.—(Paragraph 1 shall not apply to—

‘(A) any qualified bond (as defined in section 141(e)),

‘(B) any refunding bond (as defined in subsection (d)(6)), or

‘(C) any bond issued to finance—

‘(i) any repair of a transmission facility in service on the date of the enactment of this section, or

‘(ii) any repair of a transmission facility in service on the date of the enactment of this section, or

‘(iii) a transmission facility necessary to comply with an obligation under a shared or reciprocal transmission agreement in effect on the date of the enactment of this section.

‘(3) LOCAL TRANSMISSION FACILITY DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

‘(A) LOCAL TRANSMISSION FACILITY.—The term ‘local transmission facility’ means a transmission facility which is located within the governmental unit’s distribution area or which is, or will be, necessary to supply electric service to retail native load or wholesale native load of 1 or more governmental units.

‘(B) WHOLESALE NATIVE LOAD.—The term ‘wholesale native load’ includes—

‘(i) the retail native load of a governmental unit’s wholesale native load or wholesale native load purchasers or in a wholesale stranded cost mitigation sale.

‘(ii) the electric load of purchasers (not described in clause (i)) under wholesale requirement contracts which result in private business use under the rules in effect absent this subsection, and

‘(ii) were in effect in the base year.

‘(6) REQUISITE TO QUALIFY.—For purposes of determining whether a transmission or distribution facility is, or will be, necessary to supply electricity to retail native load or wholesale native load—

‘(i) do not constitute private business use under the rules in effect absent this subsection, and

‘(ii) electric reliability standards or requirements of national or regional reliability organizations, regional transmission organizations, and the Electric Reliability Council of Texas shall be taken into account, and
“(ii) transmission, sitting, and construction decisions of regional transmission organizations or independent system operators and State and Federal agencies shall be presumptive evidence regarding whether transmission facilities are necessary to serve native load.

(1) QUALIFYING UPGRADE.—The term ‘qualifying upgrade’ means an addition or improvement to transmission facilities in service on the date of the enactment of this section which is ordered or approved by a regional transmission organization, by an independent system operator, or by a State regulatory or sitting agency.

(2) DETERMINATION OF QUALITY.—For purposes of this section, the term ‘start-up utility distribution facility’ means any distribution facility to provide electric service to the public that is placed in service—

(A) by a governmental unit which did not operate an electric utility on the date of the enactment of this section, and

(B) before the date on which such governmental unit operates in a qualified service area (as such term is defined in section 11(h)(3)(B)).

A governmental unit is deemed to have operated at an electric utility on the date of the enactment of this section if it operates electric output facilities which were operated by another governmental unit to provide electric service to the public on such date.

(d) DEFINITIONS; SPECIAL RULES.—For purposes of this section—

(1) BASE YEAR.—The term ‘base year’ means the calendar year which includes the date of the enactment of this section or, at the election of the governmental unit, either of the 2 immediately preceding calendar years.

(2) DISTRIBUTION AREA.—The term ‘distribution area’ means the area in which a governmental unit owns distribution facilities.

(3) ELECTRIC OUTPUT FACILITY.—The term ‘electric output facility’ means an output facility that is an electric generation, transmission, or distribution facility.

(4) DISTRIBUTION FACILITY.—The term ‘distribution facility’ means an electric output facility that is not a generation or transmission facility.

(5) TRANSMISSION FACILITY.—The term ‘transmission facility’ means an electric output facility that is a transmission facility for purposes of the Federal Power Act as a transmission facility for purposes of this section.

(6) ELIGIBLE REFUNDING BOND.—The term ‘eligible refunding bond’ means any State or local bond issued after an election described in subsection (a) that directly or indirectly refunds any tax-exempt bond (other than a qualified bond) issued before the date of the enactment of section 141(a), with respect to permitted open access transactions entered into on or after April 14, 1996.

(7) MANAGEMENT.—The amendment made by subsection (b) relating to repeal of the exception for certain non-governmental output facilities does not apply to any acquisition of facilities made pursuant to an agreement that was entered into before the date of the enactment of this Act.

(e) SAVINGS CLAUSE.—Subsection (b) shall not affect the applicability of section 141 to a qualifying electric transmission transaction and the proceeds received from such transaction are invested in exempt utility property.

(f) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act except that a governmental unit may elect to apply paragraphs (1) and (2) of section 141(a), as added by subsection (a), with respect to permitted open access transactions entered into on or after April 14, 1996.

(2) CREDIT MATURITY.—The amendment made by subsection (b) relating to repeal of the exception for certain non-governmental output facilities applies to any acquisition of facilities made pursuant to an agreement that was entered into before the date of the enactment of this Act.

(g) APPLICABILITY.—References in this Act to sections of the Internal Revenue Code of 1986, shall be deemed to include references to comparable sections of the Internal Revenue Code of 1954.

SEC. 3. INDEPENDENT TRANSMISSION COMPANIES.

(a) SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntarically converted property) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (i) the following new subsection:

(k) SALES OR DISPOSITIONS TO IMPLEMENT FEDERAL ENERGY REGULATORY COMMISSION OR STATE ELECTRIC RESTRUCTURING POLICY.—

(1) IN GENERAL.—For purposes of this subtitule, if a taxpayer elects the application of this subsection to a qualifying electric transmission transaction and the proceeds received from such transaction are invested in exempt utility property, such transaction shall be treated as involuntarily conversion to which this section applies.

(2) EXTENSION OF REPLACEMENT PERIOD.—In the case of any involuntary conversion described in paragraph (1), subsection (a)(3)(B) shall be applied by substituting ‘4 years’ for ‘2 years’ in clause (i) thereof.

(3) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—For purposes of this subsection, the term ‘qualifying electric transmission transaction’ means any sale or other disposition of property, whether real or personal, of business of electric transmission, or an ownership interest in a person whose primary trade or business consists of providing electric transmission services, to a person that is an independent transmission company.

(b) INDEPENDENT TRANSMISSION COMPANIES.—For purposes of this subsection, the term ‘independent transmission company’ means—

(A) a regional transmission organization approved by the Federal Energy Regulatory Commission,

(B) a person—

(1) who is the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 823b) is not a market participant within the meaning of such Commission’s rules applicable to regional transmission organizations, and

(ii) whose transmission facilities to which this subsection applies are placed under the operational control of a Federal Energy Regulatory Commission-approved regional transmission organization within the period specified after, but not later than the close of the replacement period, or

(2) in the case of facilities subject to the exclusive jurisdiction of the Public Utility Commission of Texas, a person which is approved by that Commission as consistent with Texas State law regarding an independent transmission organization.

(5) EXEMPT UTILITY PROPERTY.—For purposes of this subsection, the term ‘exempt utility property’ means—

(A) property used in the trade or business of generating, transmitting, distributing, or selling electricity or producing, transmitting, distributing, or selling natural gas,

(B) stock in a person whose primary trade or business consists of generating, transmitting, distributing, or selling electricity or producing, transmitting, distributing, or selling natural gas,

(6) SPECIAL RULES FOR CONSOLIDATED GROUPS.—

(A) INVESTMENT BY QUALIFYING GROUP MEMBERS.—

(i) IN GENERAL.—This subsection shall apply to a qualifying electric transmission transaction engaged in by a taxpayer if the proceeds are invested in exempt utility property by a qualifying group member.

(ii) QUALIFYING GROUP MEMBER.—For purposes of this paragraph, the term ‘qualifying group member’ means any member of a consolidated group within the meaning of section 1502 and the regulations promulgated thereunder of which the taxpayer is also a member.

(iii) COORDINATION WITH CONSOLIDATED RETURN PROVISIONS.—A disposition of electric transmission property or an ownership interest in a qualifying electric transmission transaction, where an election is made under this subsection, shall not result in the recognition of income or gain under the consolidated return provisions of subsection A of chapter 6. The Secretary shall prescribe such regulations as are necessary to provide for the treatment of any exempt utility property received in a qualifying electric transmission transaction and the assets acquired thereunder.

(7) ELECTION.—Any election made by a taxpayer under this subsection shall be made by the taxpayer in a timely manner for the taxable year in which the qualifying electric transmission transaction takes place.
place in such form and manner as the Sec-
retary shall prescribe, and such election
shall be binding for that taxable year and all
subsequent taxable years.
(2) EFFECTIVE DATE.—Nothing in section
1033(k) of the Internal Revenue Code of 1986,
as added by this subsection, shall affect Fed-
eral or State regulatory policy respecting the
terms and conditions on the accessories paid
in connection with the purchase of an asset in
a qualifying electric transmission transaction
that can be recovered in rates.
(3) The amendments made by this subsection
shall apply to transactions occurring after the
date of the enactment of this Act.
(b) DISTRIBUTIONS OF STOCK TO IMPLEMENT
FEDERAL ENERGY REGULATORY COMMISSION
OR STATE ELECTRIC RESTRUCTURING POLICY.
(1) IN GENERAL.—Section 355(e)(4) of the
Internal Revenue Code of 1986 is amended by
 redesignating subparagraphs (C), (D), and (E)
as subparagraphs (D), (E), and (F), respect-
ively, and by inserting after subparagraph (B)
the following new subparagraph:
"(C) DISTRIBUTIONS OF STOCK TO IMPLEMENT
FEDERAL ENERGY REGULATORY COMMISSION
OR STATE ELECTRIC RESTRUCTURING POLICY.—
"(i) In general.—Whenever the Federal
Energy Regulatory Commission or the
State Electric Regulatory Commission
orders the transfer of a nuclear powerplant to
another person that is an independent
transmission organization."
(ii) The amendments made by this subsection
shall apply to amounts received after the date of
the enactment of this Act.
(2) EFFECTIVE DATE.—The amendments
made by this subsection shall apply to amounts
received after the date of the enactment of this
Act.
SEC. 5. TAX TREATMENT OF NUCLEAR DECOMMISSIONING FUNDS.
(a) INCREASE IN AMOUNT PERMITTED TO BE
PAID INTO NUCLEAR DECOMMISSIONING RE-
SERVE FUND.—Subsection (b) of section 468A
of the Internal Revenue Code of 1986 (relat-
ing to special rules for nuclear decommission-
ing costs) is amended to read as follows:
"(b) LIMITATION ON AMOUNTS PAID INTO
FUND.—
"(1) IN GENERAL.—The amount which a tax-
payer may pay into the Fund for any taxable
year shall not exceed the level funding amount
determined pursuant to subsection (d), except—
"(A) where the taxpayer is permitted by
Federal or State law or regulation (including
authorization by a public service commis-
sion) to charge customers a greater amount
for nuclear decommissioning costs, in which
case the taxpayer may pay into the Fund such
greater amount, or
"(B) in connection with the transfer of a
nuclear powerplant, where the transferor or
transferee is required by the terms of the
transfer to contribute a greater amount for
nuclear decommissioning costs, in which
case the transferor or transferee (or both)
may pay into the Fund such greater amount.
"(2) CONTRIBUTIONS AFTER FUNDING PER-
IOD.—Notwithstanding any other provision
of the Internal Revenue Code, the Fund may
make deductible payments to the Fund in any
taxable year between the end of the funding period
and the termination date issued by the
Nuclear Regulatory Commission for the
nuclear powerplant to which the Fund re-
lates provided such payments do not cause the assets of the Fund to exceed the
amount required to be contributed to the
Fund in each year remaining in the funding
period in order for the Fund to accumulate
to the taxpayer's current or former interest
in the nuclear powerplant to which the Fund
relates. The annual amount described in the
preceding sentence shall be based on taking
into account a reasonable rate of in-
flation for the nuclear decommissioning
costs and a reasonable after-tax rate of re-
turn on the assets of the Fund until such as-
sets are anticipated to be expended.
"(3) DEDUCTION FOR NUCLEAR DECOMMIS-
SIONING COSTS.—In addition to any deduction
under subsection (a), nuclear decommission-
ing costs paid or incurred by the tax-
payer during the calendar year shall consti-
tute ordinary and necessary expenses in
 carrying on a trade or business under section
162.
"(c) LEVEL FUNDING AMOUNTS.—Subsection
(d) of section 468A of the Internal Revenue
Code of 1986 is amended to read as follows:
"(d) LEVEL FUNDING AMOUNTS.—
"(1) ANNUAL AMOUNTS.—For purposes of
this section, the level funding amount for
any taxable year shall equal the annual
amount required to be contributed to the
Fund in each year remaining in the funding
period in order for the Fund to accumulate
to the taxpayer's current or former interest
in the nuclear powerplant to which the Fund
relates. The annual amount described in the
preceding sentence shall be based on taking
into account a reasonable rate of in-
flation for the nuclear decommissioning
costs and a reasonable after-tax rate of re-
turn on the assets of the Fund until such as-
sets are anticipated to be expended.
"(2) FUNDING PERIOD.—The funding period
for a Fund shall end on the last day of the
calendar year of the projected operating life of the nuclear powerplant.
"(3) NUCLEAR DECOMMISSIONING COSTS.—For
purposes of this section—
"(A) IN GENERAL.—The term ‘nuclear de-
commissioning costs’ means all costs to be
incurred in connection with entombing, de-
contaminating, dismantling, removing, and
disposing of any nuclear reactor or fuel,
and shall include all associated preparation, security, fuel storage, and radiation
monitoring costs. Such term shall include all such costs which, because they are
incurred in connection with a nuclear reactor, also constitute capital expenditures,
might otherwise be capital expenditures.
"(B) IDENTIFICATION OF COSTS.—The tax-
payer may identify nuclear decommissioning
costs by reference either to a site-specific
engineering study or to the financial assur-
ance amount calculated pursuant to section
50.75 of title 10 of the Code of Federal Regu-
lations.
"(c) EFFECTIVE DATE.—The amendments
made by this section shall apply to amounts
received after June 30, 2000, in taxable years end-
ing after such date.

By Mr. ALLARD:
S. 2968. A bill to empower commu-
nities and individuals by consolidating
and reforming the programs of the De-
partment of Housing and Urban Devel-
opment; to the Committee on Banking,
Housing, and Urban Affairs.
LOCAL HOUSING OPPORTUNITIES ACT
Mr. ALLARD. Mr. President, today I am
introducing the “Local Housing Op-
portunities Act”, legislation to em-
power communities and individuals by
consolidating and reforming HUD pro-
costs. In 1994, there were 240 separate
programs at the Department of Housing
and Urban Development (HUD). By 1997, the
number of programs had grown to 328. Many
of these programs have never been authorized by Con-
grressive action, and it has become quite
questionable whether they are legal.
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number of programs had grown to 328. Many
of these programs have never been authorized by Con-
grressive action, and it has become quite
questionable whether they are legal.
the States and localities and enact legislation to consolidate, terminate, and streamline HUD programs.

SECTION-BY-SECTION DESCRIPTION

I. Prohibition of Unauthorized Programs at the Department of Housing and Urban Development (from cutting funding to any program that is not explicitly authorized in statute by the Congress). This provision takes effect one year after the effective date to provide sufficient time to authorize those programs that it wishes to maintain. Within 60 days of the date of enactment the Department of Housing and Urban Development shall provide the Congress with a detailed report of every HUD program along with the statutory authorization for that program. This report shall be provided annually to the Senate Committee on Banking, Housing and Urban Affairs, the Senate Subcommittee on Housing and Transportation, the House Committee on Banking and Financial Services, and the House Subcommittee on Housing and Community Opportunity.

II. Elimination of Certain HUD Programs—Terminates certain programs as recommended by the HUD Secretary in the "HUD 2020 Program Repeal and Streamlining Act". The Department has determined that these programs are unnecessary, outdated, or inactive.

Community Investment Corporation Demonstration—never funded, superseded by the Community Financial Institutions program administered by the Department of the Treasury.

New Towns Demonstration Program for Emergency Relief of Los Angeles—not funded since FY 1993.

Solar Assistance Financing Entity—not funded in recent years.

Urban Development Action Grants—discontinued program, not funded in recent years.

Certain Special Purpose Grants—not funded since FY 1993 and FY 1995.

Moderate Rehabilitation Assistance in Disasters—no additional assistance for the Moderate Rehabilitation program has been provided (other than for the homeless under the McKinney Act) since FY 1989.

Rent Supplement Program—not funded for many years.


Repeal of HOPE I, II, and III—all HOPE funds have been awarded, no additional funding has been requested since FY 1995, and no future funding is anticipated.

Energy Efficiency Demonstration Program, section 961 of NAHA—never funded.

Technical Assistance and Training for IHAs—no funds have been provided for this program since FY 1994.

Termination of the investor mortgages portion of the Section 203(k) rehabilitation mortgage insurance program as recommended by the HUD IG. Investor rehabilitation mortgages constitute approximately 20% of the mortgage insurance portfolio and recent IG audits have found this portion of the program to be particularly vulnerable to fraud and abuse by investor-owners. The larger portion of the program is the program for owner-occupied properties.

Certificate and Voucher Assistance for Rental Rehabilitation Projects—rental rehabilitation projects have not been provided, see 299 of NAHA.

Single Family Loan Insurance for Home Improvement Projects—no funds have been provided in Urban Renewal Areas—unnecessary.

Single Family and Multifamily Mortgage insurance for Miscellaneous Special Situations—trim to zero funding for (6) and (8) in the Act.

Single Family Mortgage insurance for so-called "Modified" Graduated Payment Mortgages, section 245 (b)—insurance authority terminated in 1987 but provision never repealed.

War Housing Insurance—authority for new insurance terminated in 1954, but provision never repealed.

Insurance for Investments (Yield Insurance) program never implemented, but authority and provision repealed.

National Defense Housing—authority for new insurance terminated in 1954, but provision never repealed.

Insurance for Improvements (Yield Insurance) program never implemented, but authority and provision repealed.

National Defense Housing—authority for new insurance terminated in 1954, but provision never repealed.

Rural Homeless Housing Assistance—not funded since FY 1994, all HUD homeless assistance will be part of the McKinney Homeless Assistance Performance Fund created under this legislation.

Innovative Homeless Initiatives Demonstration—not funded since FY 1995, all HUD homeless assistance will be part of the McKinney Homeless Assistance Performance Fund created under this legislation.

Discontinue the remainder of 2000, the Senate Housing and Transportation Subcommittee will hold hearings on this discussion draft. At that time the Subcommittee will solicit the recommendations of the Department, the IG, the OIG, and other organizations for other HUD programs that can be streamlined or eliminated. This legislation also provides for the "HUD Consolidation Task Force" which will report to the Congress with recommendations on how to reduce the number of programs at HUD through consolidation, termination, or transfer to other government.

III. HUD Consolidation Task Force—mandates the creation of a task force that will focus exclusively on legislative and regulatory options to reduce the number of HUD programs. The task force will consist of three individuals: the Comptroller General of the United States, the HUD Inspector General, and the HUD Deputy Secretary. Within six months of the enactment of this legislation, the task force will prepare a report outlining options to reduce the number of HUD programs through consolidation, elimination, and transfer to other levels of government. The report will be provided to the Senate and House Banking Committees.

I. Community Development Block Grant Authorization (CDBG) and Prohibition of Housing Choice Vouchers. Section 903 of the Act terminates the Housing Choice Voucher Program.

II. Community Notification of Opt-Outs—Requires that when HUD receives notice of a community’s intent to opt out of any program, HUD must give notice to the community of the requirement in Section 8(c)(d)(A) of the Housing Act of 1937 that HUD and tenants be notified one year in advance if a Section 8 opt-out is anticipated.

III. Urban Homestead Requirement—Directs that HUD-held properties that have not been disposed of within six months following their determination that they are substandard or unoccupied, shall be made available upon written request for sale or donation to local governments or Community Development Block Grant recipients. The provision allows the use of sweat equity to the construction of the homes that they will own. Authorized funding for this legislation was $5 million for FY 2001 and $25 million for FY 2002.

IV. Permanent "Moving To Work" Authorization—Continues the deregulation of Public Housing Authorities (PHAs) by opening the "Moving To Work" program to all PHAs. This program was authorized as a demonstration in the 1996 VA-HUD Appropriations legislation as an alternative to receive HUD funds as a block grant. The program provides autonomy from HUD micro-management, allows PHAs to negotiate with reformers such as work requirements, time limits, job training, and Home ownership assistance. The Secretary shall approve the deregulation of PHAs under all but the lowest performing PHAs unless the Secretary makes a written determination, within 60 days after receiving the application, that the PHA does not meet the statutory provisions authorizing the "Moving To Work" program.

Provide HUD Homeless Assistance Funds into the McKinney Homeless Assistance Performance Fund—Combines HUD’s McKinney programs (Supportive Housing Emergency Shelter Grants program) and the Consolidated Grant program into a single McKinney Homeless Assistance Performance Fund (and authorizes funding through FY 2003, at an initial level of $4,850,000,000 in FY 2001). Demonstrates funds across the CDBG block grant formula with 70 percent to local government and 30 percent to states. Funds will be used to provide Choice Vouchers to metropolitan cities, urban counties, and consortia. The formula is to be reviewed after one year with a statutory requirement that HUD provide alternative formulas for the Congress to consider. State funds are available for use in areas throughout the entire state. Codifies and requires a Continuum of Care system by grant and funding. Continuum of Care submission is linked with the Consolidated Plan. Every three dollars of federal block grant money is to be matched by one dollar of state or local money. Funds qualifying for the match are the same as those currently permitted under the Emergency Solutions Grants program, and would include salaries paid to staff, volunteer labor, and the value of a lease on a building. There is a five year transition period—states and local governments would receive no less than 90 percent of prior award amounts (average for FY 1996-99) in the first year after enactment, 85 percent in the second and third years after enactment, 80 percent in the fourth year after enactment, and 75 percent in the fifth year after enactment. Eligible projects and activities include emergency shelter assistance, transitional housing, permanent housing, support services for persons with disabilities, single room occupancy housing, prevention, outreach and assessment, acquisition and rehabilitation of property, new construction, operating costs, leasing, tenant assistance, supportive services, administrative (generally limited to 10 percent of funds), capacity building, targeting to subpopulations of persons with disabilities. Performance measurements and benchmarks are included, along with periodic performance reports, reviews, and audits.

II. Mutual and Self-Help Housing Technical Assistance and Training Grants Program—Reauthorizes technical assistance grants to facilitate the construction of self-help housing in rural areas. Program beneficiaries are rural housing providers and their residents. The amount of sweat equity to the construction of the homes that they will own. Authorized funding for this legislation was $5 million for FY 2000, and $15 million for FY 2001–2005.

II. Improve the Rural Housing Repair Loan Program for the Elderly—Increases the loan guarantee cap for which a promise to make a loan guarantee is considered a sufficient security for housing repairs from $2,500 to $7,500.
III. Enhance Efficiency of Rural Housing Preservation Grants—Eliminates the existing statutory requirement that prohibits a State from obligating more than 50 percent of its preservation grant funds in any one year to any one grantee. Many states receive only a small amount from this formula program. In many cases the money can only be matched in one year. This legislative change allows states to be more flexible and efficient.

IV. Project Accounting Records and Practices—Requires section 515 rural housing borrowers to maintain records in accordance with GAAP (Generally Accepted Accounting Principles).

V. Operating Assistance for Migrant Farmworkers—U.S. Mortgage Insured State Housing Corporation Act of 1970—Authorizes the appropriation of funds for the low-income mortgage insurance program for purposes of strengthening mortgage lending to facilitate self-help housing. Utilizes the authority of the Department of Housing and Urban Development to implement the program. The Secretary shall submit to the Congress a written determination, within 60 days after enactment, that the program is necessary for the public interest and that the program is cost-effective.

VI. Authorization of Appropriations for Rental Vouchers for Relocation of Witnesses and Victims of Crime—Authorizes specific funding for vouchers for victims and witnesses of crime. These vouchers were authorized in the Quality Housing and Work Responsibility Act of 1998 (QHWR). No funds have yet been appropriated and HUD has yet to implement the program. The bill requires the Secretary to amend the existing program requirements to allow for the relocation of witnesses residing in public housing who are at risk of violence, to relocate to a property protected by an adequate law enforcement force, and to require that the PHA notify tenants of the availability of such funds. This legislation authorizes funding level in each of FY 2001–2005 of $25,000,000.

VII. Allow for Vouchers in Grandfamily Housing—Authorizes a funding level of $40 million for the Grandfamilies Voucher Program. Authorizes funds to be used to purchase property, provide tenant-based Section 8 Vouchers in Grandfamilies, and provide rental assistance to Grandfamilies. The bill also requires that the Secretary of HUD enter into an agreement with the National Association of Intermediate Credit Corporations to facilitate the use of Section 8 Vouchers in Grandfamilies. The legislation creates an exception to the general rule for projects designed to benefit Grandfamilies, by permitting the use of Section 8 vouchers at the Fair Market Rent (FMR) level by Grandparents choosing to live in low income housing projects assisted with HOME dollars. This change is designed to assist low-income, elderly residents and their grandchildren for whom they provide full-time care and custody.

VIII. Simplified FHA Downpayment Calculation—Makes permanent the temporary simplified FHA downpayment calculation provided in section 203(b) of the National Housing Act. The current downpayment calculation requires a minimum 5 percent downpayment. Recent appropriations bills have included a simplified pilot program that replaces the current multi-part formula with a single calculation based solely on the appraised value of the property. The simplified formula yields substantially the same downpayment result as the multi-part formula.

IX. Simplified FHA Downpayment Calculation—Authorizes the Use of Section 8 Funds for Downpayment Assistance—Permits tenants to receive up to one year’s worth of Section 8 assistance in a lump sum to be used toward the downpayment on a home. This legislation would give States the freedom to innovate through creative reimbursement programs that allow the use of Section 8 assistance for mortgage payments.

X. Reauthorize the Neighborhood Reinvestment Corporation through 2005—Reauthorizes the Neighborhood Reinvestment Corporation, a congressionally chartered, public non-profit corporation established in 1978 to revitalize declining low-income communities and provide affordable housing. Funding is authorized at $90 million in FY 2001 and $95 million in each of FY 2002 and 2003. Provides States the option to receive certain funds (known as federal assisted activities) in the form of a block grant. Modeled on Welfare Reform, this would give States the freedom to innovate through HUD micro-market based entities accepted into the program. The program will provide States the option to receive federal assisted activities in the form of a block grant. Modeled on Welfare Reform, this would give States the freedom to innovate through HUD micro-market based entities accepted into the program.
INCREASED HOUSING TAX CREDIT STATE CEILINGS AND PRIVATE ACTIVITY BOND CEILINGS

It is the sense of the Congress that the Low Income Housing Tax Credit State Ceilings and the Private Activity Bond Caps should be increased.

The sense of the Congress is that the Low Income Housing Tax Credit and Private Activity Bonds have been valuable resources in the effort to deliver affordable housing.

Therefore, be it resolved, That the Low Income Housing Tax Credit State Ceilings should be increased by forty percent in the year 2000, and that the level of the state ceilings should be adjusted annually to account for increases in the cost-of-living.

The sense of the Congress is also that the Private Activity Bond Caps should be increased by fifty percent in the year 2000, and that the value of the caps should be adjusted annually to account for increases in the cost-of-living.

TITLE V—PROGRAM MODERNIZATION

Sec. 501. Authorization of appropriations for the demonstration program.

Sec. 502. Authorization of appropriations for the demonstration program.

TITLE VI—PROGRAM MODERNIZATION

Sec. 601. Authorization of appropriations for the demonstration program.

Sec. 602. Authorization of appropriations for the demonstration program.

TITLE VII—STATE HOUSING BLOCK GRANTS

Sec. 701. State control of public and assisted housing funds.

TITLE VIII—PRIVATE SECTOR INCENTIVES

Sec. 801. Sense of Congress regarding low-income housing tax credit State ceilings and private activity bond caps.

TITLE IX—ENFORCEMENT

Sec. 901. Prohibition on use of appropriated funds for lobbying by the department.

Sec. 902. Regulations.

TITLE X—ENFORCEMENT

Sec. 101. Prohibition of unauthorized programs at the Department.

Sec. 102. Elimination and consolidation of programs at the Department.

TITLE XI—ENFORCEMENT

Sec. 1101. Prohibition of unauthorized programs at the Department.

Sec. 1102. Elimination and consolidation of programs at the Department.

TITLE XII—ENFORCEMENT

Sec. 1201. Prohibition of unauthorized programs at the Department.

Sec. 1202. Elimination and consolidation of programs at the Department.

TITLE XIII—ENFORCEMENT

Sec. 1301. Prohibition of unauthorized programs at the Department.

Sec. 1302. Elimination and consolidation of programs at the Department.

TITLE XIV—ENFORCEMENT

Sec. 1401. Prohibition of unauthorized programs at the Department.

Sec. 1402. Elimination and consolidation of programs at the Department.

TITLE XV—ENFORCEMENT

Sec. 1501. Prohibition of unauthorized programs at the Department.

Sec. 1502. Elimination and consolidation of programs at the Department.
Section 101 of the Housing and Community Development Act of 1974 (42 U.S.C. 1437f) is amended—

(1) by striking subsection (a) and inserting—

(2) repeal of Hope II and III Programs—

(A) Hope II.—Subtitle B of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12871 et seq.) is repealed.

(B) Hope III—

(i) In general.—Subtitle C of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12891 et seq.) is repealed.

(ii) Closeout Authority.—Notwithstanding the repeal made by clause (i), the Secretary may, in the case of any authority under sections 455(b), 445(c)(2), 445(c)(4), and 446 of title IV of the Cranston-Gonzalez National Affordable Housing Act (as amended by the act after the effective date of this Act, to the extent necessary to terminate the programs under subtitle C of title IV of that Act.

(C) Amendment of Hope III Program Authority for Closeout—

(i) sale and resale Proceeds.—Section 445 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12895) is amended—

(I) in subsection (b), by striking ‘‘costs’’ and all that follows through ‘‘expenses’’;

(ii) in subsection (c), by striking ‘‘the Secretary or’’; and

(iii) in subsection (c)(1), by striking ‘‘fifty percent of any’’ and inserting ‘‘Any’’;

(bb) by striking the second and third sentences.

(ii) Eligibility of Private Property.—Section 446(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12896(4)) is amended to read as follows:

‘‘(4) The term ‘eligible property’ means a single family property containing not more than 4 units (excluding public housing under the United States Housing Act of 1937, or Indian housing under the Native American Housing Assistance and Self-Determination Act of 1996).’’

(iii) Technical Amendments.—

(A) in general.—Title IV of the Cranston-Gonzalez National Affordable Housing Act is amended—

(I) by striking sections 401 and 402 (42 U.S.C. 1437aaa et seq.) is repealed.

(2) Savings Provisions.—Section 917 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437aaa note; 12870);
(B) INSURANCE.—The insurance authorities repealed by subsection (n)(1) and the provisions of the National Housing Act applicable to a mortgage or loan insured under any of such authorizations and provisions existed immediately before repeal, shall continue to apply to a mortgage or loan insured under any of such authorities or provisions; and such authorities and provisions shall be interpreted, in a form acceptable to the Secretary, a mortgage or loan for insurance under section 203 of that Act.

SEC. 103. HUD CONSOLIDATION TASK FORCE.

(a) IN GENERAL.—There is established a review task force to be known as the “HUD Consolidation Task Force” shall—

(1) consist of the Comptroller General of the United States, the Secretary, and the Inspector General of the Department; and

(2) adopt an analysis of legislative and regulatory options to reduce the number of programs carried out by the Department through consolidation, elimination, and transfer of departments and agencies of the Federal government and to State and local governments.

(b) REPORT.—Not later than 6 months after the effective date of this Act, the HUD Consolidation Task Force shall submit to the Committees a report, which shall include the results of the analysis under subsection (a)(2).

TITLE II—COMMUNITY EMPOWERMENT

SEC. 201. REAUTHORIZATION OF COMMUNITY SELF-HELP Grant and RENTAL Assistance ACT to إطار SET ASIDES.

(a) REAUTHORIZATION.—The last sentence of section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended to read as follows: “For purposes of assistance under section 106, there is authorized to be appropriated $4,850,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005.”.

(b) PROHIBITION OF SET ASIDES.—Section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended—

(1) by inserting “(a)” in “IN GENERAL.”— after “SEC. 103.”; and

(2) by adding at the end the following:

“(b) TRANSFER OF UNOCCUPIED AND SUB- STANDARD HUD-Held HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

1. Definitions.—In this subsection:

(A) COMMUNITY DEVELOPMENT CORPORATION.—The term ‘community development corporation’ means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

(B) TRANSFER.—The term ‘cost recovery basis’ means, with respect to any sale of a residential property by the Secretary to a community development corporation, the price paid by the purchaser in excess of the costs incurred by the Secretary in connection with such property during the period of time during which the Department or the Department having jurisdiction over the area in which the property is located has certified in writing that the property is not inhabited.

(C) STRAFFLING AUTHORITY.—Notwithstanding the authority under section 106(a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710d(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property included in the most recent list published by the Secretary under subsection (a) to any local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such unit of local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations submit a written request for the transfer.

(D) TIMING.—The Secretary shall establish procedures that provide for—

(1) time deadlines for transfers under this subsection;

(2) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions; and

(C) such units and corporations to express interest in the transfer under this subsection of qualified HUD properties;

(D) a right of first refusal for transfer of qualified HUD properties to such units and corporations, under which the Secretary accepts an offer to purchase such a property made by such unit or corporation during a period established by the Secretary,
but in the case of an offer made by a community development corporation making an offer to purchase a qualified HUD property under this section that is not accepted, of the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

(4) OTHER DISPOSITION.—With respect to any qualified HUD property, if the Secretary does not accept an offer to purchase the property pursuant to the procedures established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

(5) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

(6) DETERMINATION OF STATUS OF PROPERTY.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

(A) UPON ENACTMENT.—Not later than 60 days after the date of enactment of the Local Housing Opportunities Act, the Secretary shall assess each residential property owned by the Secretary to determine whether the property is a qualified HUD property.

(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

(8) FLEXIBILITY OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental housing, and mixed-use programs consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

(b) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any property that is designated by the Secretary to be made available for use by the homeless pursuant to part E of part 291 of title 24, Code of Federal Regulations (as in effect on January 1, 2000).

(c) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

SEC. 204. AUTHORIZATION OF MOVING TO WORK PROGRAM

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (as contained in section 101(e) of the Omnibus Consolidated Rescissions and Appropriations Act of 1996) (42 U.S.C. 1457f note) is amended by—

(1) in the section heading, by striking “DEMONSTRATION” and inserting “PROGRAM”;

(2) in subsection (a), by striking “this demonstration” and inserting “this section”;

(3) in subsection (b)—

(A) in the first sentence—

(i) by striking “demonstration” and inserting “under this section”;

(ii) by striking “up to 30”;

(B) in the third sentence, by striking “Under the demonstration, notwithstanding the standing” and inserting “Notwithstanding”;

and

(C) by striking the second sentence;

(i) in paragraph (1), by striking “demonstration” and inserting “program under this section”;

(ii) in paragraph (2), by striking “demonstration” and inserting “program under this section”;

(iii) by striking “demonstration” and inserting “program under this section”;

(4) in subsection (c)—

(A) in the first and second sentences, by striking “demonstration program” and inserting “program under this section”; and

(B) in paragraph (1), by striking “demonstration” and inserting “program under this section”;

(5) in subsection (d) and inserting the following—

(d) APPROVAL OF APPLICATIONS.—Not later than 60 days after receiving an application submitted in accordance with subsection (c), the Secretary shall approve the application, unless the Secretary makes a written determination that the applicant has a most recent score under the public housing management assessment system of the United States Housing Act of 1937 (or any successor assessment program for public housing agencies) that is among the lowest 20 percent of the scores of all public housing agencies;–

(6) in subsection (e)—

(A) in paragraph (1), by striking “demonstration” and inserting “program under this section”;

(B) in paragraph (2), by striking “demonstration” and inserting “program under this section”;

(7) in subsection (f), by striking “demonstration under this part” and inserting “program under this section”;

(8) in subsection (g)—

(A) in paragraph (1), by striking “demonstration” and inserting “program under this section”;

(B) in paragraph (2), by striking “demonstration” and inserting “program under this section”;

(9) in subsection (h), by striking “demonstration each place it appears and inserting “program under this section”; and

(10) in subsection (i), by striking “demonstration” and inserting “program under this section”;

and

(11) in subsection (j), by striking “demonstration” and inserting “program”

TITLE III—HOMELESS ASSISTANCE REFORM

SEC. 301. CONSOLIDATION OF HUD HOMELESS Assistance FUNDS.

The purposes of this title are to facilitate the effective and efficient management of the homeless assistance programs of the Department by—

(1) reducing and preventing homelessness by supporting the creation and maintenance of community-based, comprehensive systems dedicated to returning families and individuals to self-sufficiency;

(2) reorganizing the homeless assistance authorities under the Stewart B. McKinney Homeless Assistance Act into a McKinney Homeless Assistance Performance Fund;

(3) assisting States and local governments, in partnership with public and nonprofit providers, to use homeless funding more efficiently and effectively;

(4) simplifying and making more flexible the operation of Federal homeless assistance;

(5) maximizing the ability of a community to implement a coordinated, comprehensive system for providing assistance to homeless families and individuals;

(6) making more efficient and equitable the manner in which homeless assistance is distributed;

(7) reducing the Federal role in local decisionmaking for homeless assistance programs;

(8) reducing the costs to governmental jurisdictions and private nonprofit organizations in applying for and using assistance; and

(9) advancing the goal of meeting the needs of the homeless population through mainstream programs and establishing a continuum of care systems necessary to achieve that goal.

SEC. 302. ESTABLISHMENT OF THE MCKINNEY HOMELESS Assistance PERFORMANCE FUND.

Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended to read as follows:

“TITLE IV—McKINNEY HOMELESS Assistance Performance FUND

“SEC. 401. DEFINITIONS.

“IN this title:

(1) ALLOCATION UNIT OF GENERAL LOCAL GOVERNMENT.—

(A) IN GENERAL.—The term ‘allocation unit of general local government’ means a metropolitan city or an urban county.

(B) CONSORTIA.—The term ‘allocation unit of general local government’ may include in a metropolitan city or an urban county a consortium of geographically contiguous metropolitan cities and urban counties, if the Secretary determines that the consortium—

(i) has sufficient authority and administrative capability to carry out the purposes of this title on behalf of its member jurisdictions; and

(ii) will, according to a written certification by the State (or States), if the consortium includes jurisdictions in more than 1 State, direct its activities in a manner that supports a continuum of care system within the State or States.

(2) APPLICANT.—The term ‘applicant’ means a grantee submitting an application under section 403.

(3) CONSOLIDATED PLAN.—The term ‘consolidated plan’ means the single comprehensive plan that the Secretary prescribes for submission by jurisdictions (which shall be coordinated and consistent with any 5-year comprehensive plan of the public housing agency required under section 14(e) of the United States Housing Act of 1937) that consolidates and fulfills the requirements of—

(A) the comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act;

(B) the community development plan under section 104 of the Housing and Community Development Act of 1974; and

(C) the submission requirements for formula funding under the Community Development Block Grant program (authorized by title I of the Housing and Community Development Act of 1974).

(4) HOME PROGRAM.—(A) In general.—The term ‘HOME program’ means—

(i) the HOME program (authorized by title II of the Cranston-Gonzalez National Affordable Housing Act);
(ii) the McKinney Homeless Assistance Performance Fund (authorized under this title); and

(iv) the AIDS Housing Opportunity Act (authorized under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act).

(4) CONTINUUM OF CARE SYSTEM.—The term ‘continuum of care system’ means a system developed by a State or local homeless assistance board that includes—

(A) a system of outreach and assessment, including one or more drop-in centers, 24-hour hotline counselors, and other activities designed to engage homeless individuals and families, bring them into the continuum of care system, and determine their individual housing and service needs;

(B) emergency shelters with essential services for homeless individuals and families receive shelter;

(C) transitional housing with appropriate supportive services to help ensure that homeless individuals and families are prepared to make the transition to increased responsibility and permanent housing;

(D) permanent housing, or permanent supportive housing to help meet the long-term needs of homeless individuals and families;

(E) coordination between assistance provided under this title and assistance provided under other Federal, State, and local programs that may be used to assist homeless individuals and families, including both targeting of assistance programs and other programs administered by the Department of Veterans Affairs, Labor, Health and Human Services, and Education; and

(F) a system of referrals for subpopulations of the homeless (such as homeless veterans, families with children, battered spouses with mental illnesses, persons who have chronic problems with alcohol, drugs, or both, persons with other chronic health problems, and persons who have acquired immunodeficiency syndrome and related diseases) to the appropriate agencies, programs, or services (including health care, job training, and income support) necessary to meet their needs.

(5) GRANTEE.—The term ‘grantee’ means—

(A) an allocation unit of general local government or insular area that administers a grant under section 410(a)(2) or (3); or

(B) an allocation unit of general local government or insular area that designates a public or private nonprofit organization (or a combination of such organizations) to administer grant amounts under section 408(b)(2).

(6) IN ADDRESS INDIVIDUAL.—The term ‘homeless individual’ has the same meaning as in section 103 of this Act.

(7) INSULAR AREA.—The term ‘insular area’ includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(8) LOW-DEMAND SERVICES AND REFEERALS.—The term ‘low-demand services and referrals’ means the provision of health care, mental health, substance abuse, and other supportive services and referrals for services in a noncoercive manner, which may include medication management, education, counseling, job training, and assistance in obtaining entitlement benefits and in obtaining other supportive services, including mental health and substance abuse treatment.

(9) METROPOLITAN CITY.—The term ‘metropolitan city’ has the same meaning as in section 102 of the Housing and Community Development Act of 1974.

(10) PERSON WITH DISABILITIES.—The term ‘person with disabilities’ means a person who—

(A) has a disability as defined in section 202 of the Social Security Act;

(B) is determined to have, as determined by the Secretary, a physical, mental, or emotional impairment which—

(i) is expected to be of long-continued and indefinite duration;

(ii) substantially impedes his or her ability to live independently; and

(iii) is of such a nature that such ability could be improved by more suitable housing conditions;

(C) has a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act; or

(D) has the disease of acquired immunodeficiency syndrome (AIDS), as determined by the Secretary, a physical, mental, or emotional impairment resulting from the etiologic agent for acquired immunodeficiency syndrome, except that this subparagraph shall not be construed to limit eligibility under subparagraphs (A) through (C) or the provisions referred to in subparagraphs (A) through (C).

(11) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ means a private organization—

(A) no part of the net earnings of which inures to the benefit of any member, vendor, contributor, or foundation;

(B) that has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(D) that practices nondiscrimination in the provision of its services.

(12) Project sponsor.—The term ‘project sponsor’ means an entity that—

(A) provides housing or assistance for homeless individuals or families by carrying out activities under this title; and

(B) meets such minimum standards as the Secretary considers appropriate.

(13) Recipient.—The term ‘recipient’ means a grantee (other than a State when it is distributing grant amounts to State recipients) and a State recipient.

(14) Secretary.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

(15) STATE.—The term ‘State’ means each of the several States and the Commonwealth of Puerto Rico. The term includes an agency, instrumentality or subdivision of a State that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this title.

(16) Subrecipient.—The term ‘subrecipient’ means the following entities receiving amounts from the State under section 408(c)(2)(B):

(A) a unit of general local government within the State;

(B) in the case of an area of the State with significant homeless needs, if no State subrecipient exists, any private nonprofit organizations serving that area.

(17) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ‘unit of general local government’ means—

(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State;

(B) the District of Columbia; and

(C) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction with regard to provisions of this title.

(18) URUGUAY COUNTY.—The term ‘urban county’ has the same meaning as in section 102(a) of the Housing and Community Development Act of 1974.

(19) VERY LOW-INCOME FAMILIES.—The term ‘very low-income families’ has the same meaning as in section 102(a) of the Cranston-Gonzalez National Affordable Housing Act.

SEC. 402. AUTHORIZATIONS.

(a) IN GENERAL.—The Secretary may make grants to carry out activities to assist homeless individuals and families in support of continuum of care systems in accordance with this title.

(b) FUNDING AMOUNTS.—There are authorized to be appropriated to carry out this title, to remain available until expended—

(1) $1,590,000,000 for fiscal year 2003;

(2) $1,070,000,000 for fiscal year 2002; and

(3) $1,090,000,000 for fiscal year 2003.

SEC. 403. APPLICATION.

(a) IN GENERAL.—Each applicant shall submit the application required under this section in such form and with such procedures as the Secretary shall prescribe. If the applicant is a State or unit of general local government, the application shall be submitted as part of the homeless assistance component of the consolidated plan.

(b) CONTINUUM OF CARE SUBMISSION.—

(1) IN GENERAL.—The allocation unit of general local government, insular area, or State shall prepare, and submit those portions of the application related to the development and implementation of the continuum of care system, as described in paragraph (2) or (3), as applicable.

(2) SUBMISSION BY ALLOCATION UNIT OF GENERAL LOCAL GOVERNMENT OR INSULAR AREA.—The allocation unit of general local government or insular area shall develop and submit to the Secretary—

(A) a continuum of care system consistent with that defined under section 404(4), which shall be designed to incorporate any strengths and fill any gaps in the current homeless assistance activities of the jurisdiction, and shall include a description of efforts to address the problems faced by each of the different subpopulations of homeless individuals;

(B) a multiyear strategy for implementing the continuum of care system, including appropriate timetable and budget estimates for accomplishing each element of the strategy;

(C) a 1-year plan, identifying all activities to be carried out with assistance under this title, and with assistance under other Federal programs, that are in addition to national performance measures and benchmarks for use in assessing the performance of the grantee under this title that are in addition to national performance measures and benchmarks established by the Secretary.

(3) SUBMISSION BY STATE.—The State shall develop and submit to the Secretary—

(A) a continuum of care system consistent with that defined under section 404(4), which shall be designed to incorporate any strengths and fill any gaps in the current homeless assistance activities of the jurisdiction, and shall include a description of efforts to address the problems faced by each of the different subpopulations of homeless individuals;

(B) a multiyear strategy for implementing the continuum of care systems in the State and with State assistance under other Federal programs, that are in addition to national performance measures and benchmarks for use in implementing the continuum of care systems in the State;

(C) a 1-year plan identifying—

(i) the case in which a State carrying out its own activities under section 408(c)(2)(A), the activities to be carried out with assistance under this title and other Federal programs, and the manner in which these activities will further the strategy; and

(ii) the case in which the Secretary may make grants to carry out activities to assist homeless individuals and families in support of continuum of care systems in accordance with this title.
following types of projects:

- (i) the assistance is necessary to avoid imminent eviction, foreclosure, or termination of services.
- (B) OUTREACH AND ASSESSMENT.—Efforts designed to locate the individuals and families to inform them about the availability of services, to bring them into the continuum of care system, and to determine which services or housing are appropriate to the needs of the individual or family.
- (C) EMERGENCY SHELTER.—The provision of short-term emergency shelter with essential supportive services for homeless individuals and families.
- (D) SAFE HAVEN HOUSING.—A structure or a clearly identifiable portion of a structure that—
  - (i) provides housing and low-demand services and referrals for homeless individuals with a supportive relationship;
  - (ii) who are currently residing primarily in places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; and
  - (ii) who have been unwilling or unable to participate in mental health or substance abuse treatment programs or to receive other supportive services; except that a person whose sole impairment is substance abuse shall not be considered an eligible person;
  - (B) provides 24-hour residence for eligible individuals who may reside for an unspecified duration;
  - (C) provides private or semiprivate accommodations;
  - (D) may provide for the common use of kitchen facilities, dining rooms, and bathrooms;
  - (E) may provide supportive services to eligible persons who are not residents on a drop-in basis;
  - (F) provides occupancy limited to not more than 25 persons; and
  - (G) provides housing for victims of spousal abuse, and their dependents.
- (G) provides housing for victims of spousal abuse, and their dependents.
- (H) TRANSITIONAL HOUSING.—Housing and appropriate supportive services that are designed to facilitate the movement of homeless individuals to permanent housing, generally within 24 months.
- (I) PERMANENT HOUSING AND PERMANENT SUPPORTIVE HOUSING.—Permanent housing and supportive services for homeless persons with disabilities, the latter of which may be designed to provide housing and services for persons with disabilities, or may provide housing for such persons in a multifamily housing, condominium, or cooperative project.
- (J) SINGLE ROOM OCCUPANCY HOUSING.—A unit for occupancy by 1 person, which need not (but may) contain food preparation or sanitary facilities, or both, and may provide services, assistance in obtaining entitlement benefits, and referral to veterans services.
- (K) TENANT ASSISTANCE.—The provision of security or utility deposits, rent, or utility payments for the first month of residence at a location, and relocation assistance.
- (L) SUPPORTIVE SERVICES.—The provision of essential supportive services including case management, housing counseling, job training and placement, primary health care, mental health services, substance abuse treatment, child care, transportation, emergency food and clothing, family violence education services, moving services, assistance in obtaining entitlement benefits, and referral to veterans services and referral to legal services.
- (M) ADMINISTRATION.—
  - (A) IN GENERAL.—Expenses incurred in—
    - (i) planning, developing, and establishing a program under this title; and
    - (ii) administering the program.
  - (B) LIMITATIONS.—Not more than the following amounts may be used for administrative costs under subparagraph (A):
    - (i) 10 percent of any grant amounts provided for a recipient for a fiscal year (including amounts used by a State to carry out its own activities under section 408(c)(1));
    - (ii) 5 percent of any grant amounts provided to a State for a fiscal year that the State uses to distribute funds to a State recipient under section 406(c)(1)(B).
- (N) CAPACITY BUILDING.—
  - (A) IN GENERAL.—Building the capacity of private nonprofit organizations to participate in the continuum of care system of the recipient.
  - (B) LIMITATIONS.—Not more than the following amounts may be used for capacity building under subparagraph (A):
    - (i) 2 percent of any grant amounts provided for a recipient for a fiscal year (including amounts used by a State to carry out its own activities under section 408(c)(1));
    - (ii) 2 percent of any grant amounts provided to a State for a fiscal year that the State uses to distribute funds to a State recipient under section 406(c)(1)(B).
- (O) OTHER ACTIVITIES.—
  - (A) IN GENERAL.—Any other activities as the Secretary determines will further the purposes of title I of the Homelessness Assistance and Management Reform Act of 1997.
  - (B) TARGETING TO SUBPOPULATIONS OF PERSONS WITH DISABILITIES.—With- out prejudice to any other provision of law, projects for persons with disabilities assisted under this title may be targeted to specific subpopulations of such persons, including persons who—
    - (i) are seriously mentally ill;
    - (ii) have chronic problems with drugs, alcohol, or both;
    - (iii) have acquired immunodeficiency syndrome or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome.
- (P) SEC. 405. MATCHING REQUIREMENT AND MAINTENANCE OF EFFORT.
  - (A) MATCHING REQUIREMENT.
    - (i) IN GENERAL.—Each recipient shall make contributions totaling not less than $1 for every $3 made available for the recipient.
for any fiscal year under this title to carry out eligible activities. At the end of each program year, each recipient shall certify to the Secretary that it has complied with this section, and shall include with the certification a description of the sources and amounts of the matching contributions. Contributions under this section may not come from sources that are the same as those contributing to the grant.

(2) Calculation of amounts.—In calculating the amount of matching contributions required under paragraph (1), a recipient may base its certification of matching contributions on:

(A) any funds derived from a source, other than assistance under this title or amounts subject to subsection (b);

(B) the value of any lease on a building; and

(C) any salary paid to staff or any volunteer labor contributed to carry out the program.

(b) Limitation on use of funds.—No assistance received under this title may be used to replace other funds previously used, or designated for use, by the State, State recipient (except when a State recipient is a private nonprofit organization), allocation unit or voluntary organization, to carry out the program.

(c) Waiver.—The Secretary may waive or reduce the requirement of paragraph (1), if the recipient demonstrates to the Secretary that such waiver or reduction will increase the amount available to the extent practicable, the Secretary shall ensure that the percentage of the amount made available to it under this title for any fiscal year are made available to project sponsors that are private nonprofit organizations.

(d) Waiver.—The Secretary may waive or reduce the requirement of paragraph (1), if the recipient demonstrates to the Secretary that such waiver or reduction will increase the amount available to the extent practicable, the Secretary shall ensure that the percentage of the amount made available to it under this title for any fiscal year are made available to project sponsors that are private nonprofit organizations.

(2) Formula.—The Secretary shall provide for the distribution of amounts reserved under paragraph (1) for insular areas pursuant to specific criteria or a distribution formula prescribed by the Secretary.

(3) States and allocation units of general local government.—

(a) In general.—For each fiscal year, the Secretary shall allocate assistance to States and allocation units of general local government or insular areas based on the insular areas; and

(b) In general.—For each fiscal year, the Secretary shall allocate assistance to States and allocation units of general local government or insular areas based on the insular areas.

(4) Minimum allocation.—

(a) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(b) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(c) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(d) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(e) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(f) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(g) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(h) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(i) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(j) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(k) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(l) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(m) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(n) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(o) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(p) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(q) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(r) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(s) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(t) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(u) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(v) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(w) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(x) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(y) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.

(z) In general.—For each fiscal year, the Secretary shall allocate minimum grant amounts to States, metropolitan cities, or urban counties in an amount equal to 0.20 percent of the amounts appropriated under this section for any fiscal year.
``(B) Provision of Grant Amounts.—The Secretary may, at the request of a jurisdiction under subparagraph (A), provide grant amounts directly to the agency or organization designated under that subparagraph.

``(c) States.—
``(1) In General.—The State—
``(A) may use not more than 15 percent of the amount available under section 407(b)(2) for a fiscal year to carry out its own homeless assistance program under this title; and
``(B) shall designate the remaining amounts to State recipients.

``(2) Distribution of Amounts to State Recipients.—
``(A) In General.—
``(I) Options.—States distributing amounts under paragraph (1)(B) to State recipients that are units of general local government shall, for each fiscal year, afford each such recipient the options of—
``(i) administering the grant amounts on its own behalf;
``(ii) designating (as provided by subsection (b)(2)(a)) a public agency or a private nonprofit organization (or a combination of such organizations) to administer the grant amounts in the jurisdiction;
``(iii) entering into an agreement with the State, in consultation with private nonprofit organizations providing assistance to homeless individuals and families in the jurisdiction, under which the State will administer the grant amounts instead of the jurisdiction; or
``(B) shall distribute the remaining grant amounts instead of the jurisdiction, under which the State will administer the grant amounts instead of the jurisdiction.

``(ii) EFFECT OF DESIGNATION.—A State recipient designating an agency or organization as provided by clause (i)(II), or entering into an agreement with the State under clause (i)(III), shall remain the State recipient for purposes of this title.

``(iii) Direct Assistance.—The State may, at the request of the State recipient, provide grant funds directly to the agency or organization designated under clause (i)(II).

``(B) Application.—
``(i) In General.—The State shall distribute amounts to State recipients (or to agencies or organizations designated under subparagraph (A)(i)(II), as appropriate) on the basis of an application containing such information as the State may prescribe, except that each application shall reflect the State application requirements in section 403(d) and evidence an intent to facilitate the establishment of a continuum of care system.

``(ii) Waiver.—The State may waive the requirements in clause (i) with respect to 1 or more of the required activities, if the State determines that—

``(I) the activities are necessary to meet the needs of homeless individuals and families within the jurisdiction; and
``(II) a continuum of care system is not necessary, due to the nature and extent of homelessness in the jurisdiction.

``(C) Preference.—In selecting State recipients for purposes of clause (i)(II), the Secretary shall give preference to applications that demonstrate higher relative levels of homeless need and fiscal distress.

``SEC. 409. Citizen Participation.
``(a) In General.—Each recipient shall ensure that appropriate numbers of private nonprofit organizations, and other interested groups and entities participate fully in the development and carrying out of the programs authorized under this title.

``(b) Allocation Units of General Local Government and Insular Areas.—The chief executive officer of each allocation unit of government, or in the case of an insular area, the Governor shall designate an entity, which shall assist the jurisdiction—

``(i) by developing the continuum of care system and other submission requirements, and by submitting the system and such other submission requirements for its approval under section 403(b); and
``(ii) in overseeing the activities carried out with assistance under this title; and
``(iii) in preparing the performance report under section 410(b).

``(c) Grants and Grants Adjustments.
``(1) National Performance Measures and Benchmarks.—The Secretary shall establish national performance measures and benchmarks to assist the Secretary, grantees, citizens, and others in assessing the use of funds made available under this title.

``(2) Grant Adjustments.—The Secretary may, at the request of a State recipient, adjust the grant amounts instead of the jurisdiction, under which the State will administer the grant amounts instead of the jurisdiction; or
``(B) to distribute amounts to State recipients under section 408(c)(1)(B).

``(3) in carrying out the responsibilities of the State, if the State enters into an agreement with a State recipient to administer the amounts of the State recipient under section 408(c)(2)(A)(i)(II), (III), and (iv) in accordance with the jurisdiction under which the State will administer the grant amounts instead of the jurisdiction; and
``(5) in preparing the performance report under section 410(b).

``SEC. 410. Performance Reports, Reviews, Audits, and Grant Adjustments.

``(a) National Performance Measures and Benchmarks.—The Secretary shall establish national performance measures and benchmarks to assist the Secretary, grantees, citizens, and others in assessing the use of funds made available under this title.

``(b) Grant Performance and Evaluation Report.—
``(1) In General.—Each grantee shall submit to the Secretary a performance and evaluation report under section 410(c)(1)(A) on the use of funds made available under this title.

``(2) Timing and Contents.—The report under subsection (a) shall be submitted at such time as the Secretary shall prescribe and contain an assessment of the performance of the grantee as measured against any performance standards included in the Section 403, and shall include a measure of the number of homeless individuals who transition to self-sufficiency, a measure of the number of individuals who have ended a chemical dependency or drug addiction.

``(3) Availability To Public.—Before the submittal of a report under subsection (a), the grantee shall make the report available to citizens, public agencies, and other interested parties in the jurisdiction of the grantee in sufficient time to comment on the report before submission.

``(c) Performance Reviews, Audits, and Grant Adjustments.—
``(1) Performance Reviews and Audits.—The Secretary shall, not less than annually, make such reviews and audits as may be necessary or appropriate to determine—
``(A) in the case of a grantee in the United States, whether the grantee has carried out its activities in a timely manner; or
``(B) to ensure compliance with the requirements of this title.

``(d) Access to Documents by the Secretary.—The Comptroller General shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient that are pertinent to grant amounts received in connection with this title.

``(e) Access to Documents by the Comptroller General.—The Comptroller General of the United States, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient that are pertinent to grant amounts received in connection with this title.

``SEC. 411. Nondiscrimination in Programs and Activities.

``(a) Retention of Records, Reports, and Audits.

``(b) Authority To Provide Assistance.—Beginning on the effective date of this Act, the Secretary may make assistance under this title to the Stewart B. McKinney Homeless Assistance Act (as in existence immediately before such effective date), except pursuant to a legally binding commitment entered into before that date.

``(c) Law Governing.—Any amounts made available under title IV of the Stewart B.
SEC. 401. MUTUAL AND SELF-HELP HOUSING TRUST FUND AND TRAINING GRANTS AUTHORIZATION.

Section 533(b) of the Housing Act of 1949 (42 U.S.C. 1483(b)) is amended by striking subsection (b) and inserting the following:

"(2) For grants under paragraphs (1)(A) and (2) of section 533(b)—

"(A) $10,000,000 for fiscal year 2001;

"(B) $10,000,000 for fiscal year 2002; and

"(C) $5,000,000 for fiscal year 2003.";

SEC. 402. ENHANCEMENT OF THE RURAL HOUSING REPAIR LOAN PROGRAM FOR FARM WORKER PROJECTS.

Section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474a(a)) is amended by striking "$2,500" and inserting "$7,500".

SEC. 403. ENHANCEMENT OF EFFICIENCY OF RURAL HOUSING PRESERVATION GRANTS.

Section 533 of the Housing Act of 1949 (42 U.S.C. 1483m) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) in subsection (d)(3)(H), by striking "(1)(B)(iv)" and inserting "(1)(B)(iv)"; and

(3) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

SEC. 404. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (c) and inserting the following:

(1) ACCOUNTING STANDARDS.—The Secretary shall require in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects and programs funded or guaranteed by the Secretary under this section.

(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require in programs authorized by this section to retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this section and other records identified by the Secretary in applicable regulations.

(3) ACTION TO RECOVER FUNDS.—

(A) IN GENERAL.—The Secretary may require that borrowers in programs authorized by this section or any other statute of limitations, the Attorney General to bring an action in a district court of the United States to recover any asset or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, the term 'person' means—

(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; or

(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

(2) AMOUNT RECOVERABLE.—

(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

(B) APPLICABILITY OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may apply any recovery of funds under this section to activities authorized under this section and such funds shall remain available until expended.

(C) TIME LIMITATION.—Notwithstanding any other statute of limitations, the Attorney General may bring an action under this subsection at any time up to and including 6 years after the date that the Secretary discovers or should have discovered the violation of the provisions of this section or any related statutes or regulations.

(3) Double Damage Remedy for Unauthorized Use of Existing Rules and Income.

(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary under this Act or on the United States.

SEC. 405. OPERATING ASSISTANCE FOR MIGRANT FARM WORKER PROJECTS.

Section 521(3)(B) of the Housing Act of 1949 (42 U.S.C. 1487f(3)(B)) is amended—

(1) in subparagraph (A), by striking "Of amounts made available for assistance under this subsection and inserting "Of the amount made available under subparagraph (C)"; and

(2) in paragraph (B), by striking "Of amounts made available for assistance under this section and inserting "Of the amount made available under paragraph (C)".

SEC. 501. AUTHORIZATION OF APPROPRIATIONS FOR RENTAL VOUCHERS FOR RELATIONSHIP COMPETITIVENESS OF WITNESSES AND VICTIMS OF CRIME.

Section 8(o)(16) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(16)) is amended—

(1) in subparagraph (A), by striking "Of amounts made available for assistance under this subsection and inserting "Of the amount made available under subparagraph (C)"; and

(2) in paragraph (B), by striking "Of amounts made available for assistance under this section and inserting "Of the amount made available under paragraph (C)".

SEC. 502. REVISIONS TO THE LEASE ADDENDUM.

Section 8(o)(7)(F) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)(F)) is amended striking the period at the end and inserting the following:—

"(i) the provisions of any such addendum shall supplement any existing standard rental agreement to the extent that the addendum does not modify, nullify, or in any way materially alter any material provision of the rental agreement; and

(ii) a provision of the addendum shall be nullified only to extent that the provision conflicts with applicable State or local law."

SEC. 503. REPORT REGARDING HOUSING VOUCHER PROGRAM.

(a) IN GENERAL.—The Secretary shall publish in the Federal Register a notice soliciting comments and recommendations regarding the means by which the program under subsection (a) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) may be changed and enhanced to promote increased participation by private rental housing owners.

(b) REPORT.—Not later than 6 months after the effective date of this Act, the Secretary shall submit to the Committees a report on the results of the solicitation under subsection (a), which shall include a summary and analysis of the recommendations received, especially recommendations regarding legislative and administrative changes to the program described in subsection (a).

SEC. 504. CONDUCTING CONSUMER PROPERTY INVESTIGATIONS ON A PROPERTY BASIS RATHER THAN A UNIT BASIS.

Section 8(o)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(1)) is amended—

(1) in the paragraph heading, by inserting "AND PROPERTY" after "UNITS";

(2) in subparagraph (A) by striking "Except as provided" and inserting the following:

"(i) INSPECTION REQUIREMENT.—Except as provided"; and

(3) by adding at the end the following:

"(ii) INSPECTION AND CERTIFICATION ON A PROPERTY BASIS.

"(1) IN GENERAL.—For purposes of this sub-

paragraph, each owner shall have the option
of having the property of the owner in- 
spected and certified on a property-wide 
basis, subject to the inspection guidelines set 
forth in subparagraphs (C) and (D). 

(II) CHANGES.—(A) PROPERTY.—Any owner participating in the 
voucher program under this subsection 
as of the effective date of Local Housing Op- 
portunity Program Act (42 U.S.C. 12805 note) shall have the option of 
electing property-wide certification by send- 

ing written notice to the appropriate admin- 
istering agency. Any property that is in- 
spected and certified on a property-wide 
basis shall not be required to have units in 
the property inspected individually in con- 
junction with each new rental agreement.

(3) in subparagraph (C)—

(A) in the first sentence—

(i) by inserting “or property” after “dwell- 
ing unit” and 

(ii) by inserting “property” after “the 
it”;

and 

(B) in the second sentence, by inserting “or properties” after “dwellings units”; and 

(4) in subparagraph (D), in the first sen-
tence—

(A) by inserting “or property” after “dwell- 
ing unit”;

(B) by inserting “or property” after “pay- 
ments contract for the unit”; and 

(C) by inserting “or property” after “whether the unit”.

TITLE VI—PROGRAM MODERNIZATION

SEC. 601. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) REAUTHORIZATION.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end of the following:

(3) in subsection (v) to read as follows:

‘‘(v) Autonomous Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.’’

(b) ELIGIBLE EXPENSES.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end of the following:

‘‘(p) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.’’

(c) DEADLINE FOR RECAPTURE OF FUNDS.—Section 11 of the Housing Opportunity Pro- 
gram Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking “if the organization or 
consortia has not used any grant amounts” and 
inserting “inuring to local affiliate shall receive any grant amounts provided to the organization or consortia that are not used’’;

(B) by striking “or,” and inserting “ex- cept that such period shall be 36 months’; and

(C) by striking “within 36 months”, the Secretary shall recapture such unused amounts and interest accruing thereon (and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is de- veloping 5 or more dwellings in connection with such grant amounts’’; and

(2) in subsection (j), by inserting “and grant amounts provided to a local affiliate of the organization or consortia that is de- veloping 5 or more dwellings in connection with such grant amounts’’ before the period at the end.

(d) TECHNICAL CORRECTION.—Section 11(e) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by striking “consorcia” and insert- ing “consorcia”.

SEC. 602. LOCAL CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a), by inserting “National Association of Housing Partnerships,” after “Humanity’’; and

(2) in subsection (e), by striking “$25,000,000” and all that follows before the period at the end of such subsection, and inserting—

‘‘(1) Amounts.’’

SEC. 603. WORK REQUIREMENT FOR PUBLIC HOUSING RESIDENTS; COORDINATION OF FEDERAL HOUSING ASSISTANCE WITH STATE WELFARE REFORM PROGRAMS.

(a) IN GENERAL.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the fol- lowing:

‘‘SEC. 36. WORK REQUIREMENT.

(1) IN GENERAL.—Each family residing in public housing shall comply with the re- quirements of section 407 of the Social Secu-

rity Act (42 U.S.C. 607) in the same manner as a family receiving assistance under a State program funded under part A of title IV of that Act (42 U.S.C. 601 et seq.).

(2) WORK REQUIREMENTS.—

(I) ANNUAL DETERMINATION.—

(A) REQUIREMENT.—For each family resid- ing in public housing that is subject to the requirement under subsection (a), the public housing agency shall, 30 days before the expira- tion of each lease term of the family under section 6(a)(1), review and determine the compliance of the family with the require- ment under subsection (b) of this section.

(B) DUE PROCESS.—Each determination under subparagraph (A) shall be made in ac- cordance with the principles of due process and on a nondiscriminatory basis.

(C) NONCOMPLIANCE.—If a public housing agency determines that a family subject to the requirement under subsection (a) has not complied with the requirements of this subsection, the agency—

(I) shall notify the family—

(1) of such noncompliance;

(2) that the determination of noncompli- ance is subject to the administrative griev- ance procedure under subsection (k); and

(III) that, unless the family enters into an agreement under clause (i) of this subpar- graph, the family’s lease will not be renewed;

and

(ii) may not renew or extend the family’s lease upon expiration of the lease term and shall take such action as is necessary to ter- minate the tenancy of the household, unless the agency enters into an agreement, before the expiration of the lease term, with the family for the purpose of assuring that the determination of noncompliance with the requirement under paragraph (1), by participating in an eco- nomic self-sufficiency program (as defined in section 12745(a)) is amended by adding at the end the following:

‘‘(1) WAIVER OF QUALIFYING RENT.—

(A) IN GENERAL.—For the purpose of pro- 

viding affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the family and the applicability of such housing primarily in low- and moderate-income neighborhoods’’.

SEC. 605. USE OF SECTION 8 ASSISTANCE IN GRANDFAMILY HOUSING.

(a) IN GENERAL.—Section 2(b)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following:

‘‘(3) WAIVER OF QUALIFYING RENT.—

(A) IN GENERAL.—For the purpose of pro- 

viding affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the family and the applicability of such housing primarily in low- and moderate-income neighborhoods’’.

(b) CONFORMING AMENDMENT.—Section 12(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437b) is amended—

(1) in paragraph (2), by striking subpara- 
graph (B) and all that follows through ‘‘ap- 
propriation for this requirement,’’ and insert- 
ning the following:

‘‘(B) not to exceed an amount equal to—

(i) 97.75 percent of the appraised value of the property, if such value is equal to or less than $50,000;

(ii) 97.65 percent of the appraised value of the property, if such value is in excess of $50,000 but not in excess of $125,000;

(iii) 97.15 percent of the appraised value of the property, if such value is in excess of $125,000; or

(iv) notwithstanding clauses (i) and (ii), 97.75 percent of the appraised value of the property, if such value is in excess of $50,000 and the property is in a State for which the average closing cost ‘‘average closing cost’’ means, with respect to a State, the average, for mortgage rates for properties located in the State for which mortgages have been executed, as deter- 

mined by the Secretary in such clause, the term ‘average closing cost’ means, with respect to a State, the average, for mortgages executed for properties in the State, of the total amount (determined by the Secretary) of initial service charges, appraisal, inspection, and other fees and costs (as the Secretary shall approve) that are paid in connection with such mort- 

gages;’’ and

(2) by striking paragraph (10).

SEC. 606. FLEXIBLE USE OF CDBG FUNDS.

(a) IN GENERAL.—Subsection (b) of title I of the Community Development Act of 1974 (42 U.S.C. 5305 note) is amended by striking “housing units acquired’’ and all that follows before the semicolon and inserting the following:

‘‘housing units acquired through tax fore- 
closure proceedings brought by a unit of State or local government, or (B) placed under the supervision of a court for the pur- 
purpose of remedying conditions dangerous to life, health, and safety, in order to prevent the abandonment of government-subsidized housing primarily in low- and moderate-income neighborhoods’’.

SEC. 607. USE OF SECTION 8 ASSISTANCE IN DEVELOPMENT OF AFFORDABLE HOUSING.

(a) IN GENERAL.—Section 212(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following:

‘‘(1) WAIVER OF QUALIFYING RENT.—

(A) IN GENERAL.—For the purpose of pro- 

viding affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the family and the applicability of such housing primarily in low- and moderate-income neighborhoods’’.
"(B) ELIGIBLE FAMILIES.—A family described in this subparagraph is a family that consists of at least 1 elderly person (who is the head of household) and 1 or more of such person's grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchild, great grandchild, great niece, great nephew, or great great grandchild. Such term includes any such grandchild, great grandchild, great niece, great nephew, or great great grandchild who have been legally adopted by such elderly person."

SEC. 607. SECTION 8 HOMEOWNERSHIP OPTION AMENDMENT.

(a) AMENDMENTS.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

"(7) DOWNPAYMENT ASSISTANCE.—

"(A) AUTHORITY.—A public housing agency may, in lieu of providing monthly assistance payments under subsection (a) of this section, use only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2001 and each fiscal year thereafter, such amount as may be provided in advance in appropriations Acts.

"(B) AMOUNT.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to section 608.

SEC. 608. REAUTHORIZATION OF NEIGHBORHOOD REINVESTMENT CORPORATION.

Section 608(a)(1) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8107(a)(1)) is amended by striking the first sentence and inserting the following: "There is authorized to be appropriated to the corporation in this title $200,000,000 for fiscal year 2001, $95,000,000 for fiscal year 2002, and $95,000,000 for fiscal year 2003."

TITLE VII—STATE HOUSING BLOCK GRANT

SEC. 701. STATE CONTROL OF PUBLIC AND ASSISTED HOUSING FUNDS.

Title I of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended by adding at the end the following:

"SEC. 37. STATE HOUSING BLOCK GRANT.

(a) PURPOSE.—The purpose of this section is to provide assistance to States to allow the maximum freedom to States to determine the manner in which to implement assisted housing reforms.

(b) AUTHORITY.—Notwithstanding any other provision of law, a State may assume control of the Federal housing assistance funds available to reside in that State following the execution of a performance agreement with the Secretary in accordance with this section.

"(c) PERFORMANCE AGREEMENT.—

"(1) IN GENERAL.—A State may, at its option, execute a performance agreement with the Secretary under which the provisions of law described in subsection (b) shall not apply to such State, except as otherwise provided in this section.

"(2) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary determines, within 60 days after receiving the performance agreement, that the performance agreement is in violation of the provisions of this section.

"(3) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this section shall include each of the provisions of law described in subsection (b) of this section.

"(d) ELIGIBLE PROGRAMS.—A State may amend its performance agreement to include additional programs and performance indicators for which it will be held accountable.

"(e) WITHIN-STATE DISTRIBUTION OF FUNDS.—Any allocations of funds under paragraph (2) shall be determined under section 202 of the Cranston-Gonzales National Affordable Housing Act; and

"(f) ALLOCATION AMOUNTS.—A State may choose to combine funds from any or all the programs described in paragraph (2) without regard to the program requirements of such programs, except as otherwise provided in this Act.

"(g) LEVEL OF BLOCK GRANT.—

"(1) IN GENERAL.—The provisions of law referred to in subsection (c), are—

"(A) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937;

"(B) the programs for project-based assistance under section 8 of the United States Housing Act of 1937;

"(C) the program for housing for the elderly under section 202 of the Housing Act of 1959;

"(D) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzales National Affordable Housing Act; and

"(E) programs described in paragraph (2)."

"(2) ALLOCATION AMOUNTS.—Funds made available under this section to a State shall be used for any housing purpose other than those prohibited by State law of the participating State.

"(3) PROGRAMS TO RECEIVE HIGHEST LEVEL OF FUNDING.—The distribution of funds made available under this section to a State to a local housing agency with respect to the State's plan is determined under the State constitution or State law designates another individual, entity, or agency to be responsible for housing, such other individual, entity, or agency shall work in consultation with the Governor and State legislature to determine the distribution of the funds.

"(4) STATE ADMINISTRATIVE EXPENSES.—A State may use not more than 3 percent of the total amount of funds made available under this section to such State to support the local distribution of the funds included in the performance agreement for administrative purposes.

"(5) LEVEL OF BLOCK GRANT.—

"(1) IN GENERAL.—During the initial 5 years following execution of the performance agreement, a participating State shall receive the highest level of funds for the 3 years prior to the first year of the performance agreement in each program included in the block grant. This level will be adjusted each year by multiplying the prior year's amount by the cost-of-living adjustment determined under section 11(f)(3) of the Internal Revenue Code of 1986.

"(2) SIX MONTHS AFTER THE EFFECTIVE DATE.—Six months after the effective date of the Local Housing Opportunities Act, the Secretary shall submit to Congress
recommendations for a block grant formula that reflects the relative low-income level and affordable housing needs of each State.

"(b) Performance Review.—

(1) In General.—If at the end of the 5-year period of the performance agreement a State has failed to meet at least 80 percent of the performance goals submitted in the performance agreement, the Secretary shall terminate the performance agreement and the State shall be required to comply with the program requirement, in effect at the time of termination, of each program included in the performance agreement.

(2) State that seeks to renew its performance agreement shall notify the Secretary of its renewal request not less than 6 months prior to the end of the term of the performance agreement. A State that has met at least 80 percent of its performance goals submitted in the performance agreement at the end of the 5-year term may, at any time, seek to renew the performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon as practicable after the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State that has met at least 80 percent of its performance goals.

"(1) Performance Reward Fund.—To reward States that make significant progress in meeting performance goals, the Secretary shall annually set aside sufficient funds to grant awards to at least 5 percent of the funds allocated to participating States.

"(2) Definitions.—In this section:

Community.—The term ‘community’ means any local governing jurisdiction within a State.

Secretary.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

State.—The term ‘State’ means each of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Marianas Islands, and American Samoa.

TITLE VIII—PRIVATE SECTOR INCENTIVES

SEC. 801. SENSE OF CONGRESS REGARDING LOW, INCOME HOUSING TAX CREDITS: STATE CEILINGS AND PRIVATE ACTIVITY BOND CAPS.

(a) Findings.—Congress finds that—

(1) the low-income housing tax credit and private activity bonds have been valuable resources in the effort to increase affordable housing;

(2) the low-income housing tax credit and private activity bonds effectively utilize the ability of the States to deliver resources to the areas of greatest need within their jurisdictions; and

(3) the value of the low-income housing tax credit and the private activity bonds have been eroded by inflation.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the State ceiling for the low-income housing tax credit should be increased by 40 percent in the year 2000, and the level for the State ceiling should be adjusted annually to account for increases in the cost of living;

(2) the private activity bond cap should be increased by 50 percent in the year 2000, and the value of the cap should be adjusted annually to account for increases in the cost of living.

TITLE IX—ENFORCEMENT

SEC. 901. PROHIBITION ON USE OF APPROPRIATED FUNDS FOR LOBBYING BY THE DEPARTMENT.

(a) In General.—Subchapter III of chapter 13 of title 31, United States Code, is amended by adding at the end the following:

"(8) Prohibition on lobbying by the Department of Housing and Urban Development.—

"(a) Prohibition.—Except as provided in subsection (b), unless such activity has been specifically authorized by an Act of Congress and not later than the promulgation of law, no funds made available to the Department of Housing and Urban Development by appropriation shall be used by such agency for any activity prohibited by subparagraph (A) of this paragraph, publication, distribution, or use of any kit, pamphlet, booklet, public presentation, news release, radio, television, or film presentation, video, or other written or oral statement that in any way tends to promote public support or opposition to any legislative proposal (including the confirmation of the nomination of a public official or the ratification of a treaty) on which congressional action is not complete.

"(b) Exception.—(1) President and Vice President.—Subsection (a) shall not apply to the President or Vice President.

"(2) Congressional Communications.—Subsection (a) shall not be construed to prevent any officer or employee of the Department of Housing and Urban Development from—

(A) communicating directly to a Member of Congress (or to any staff of a Member or committee of Congress) a request for legislation or appropriations that such officer or employee determines is necessary to ensure the efficient conduct of the public business; or

(B) responding to a request for information or technical assistance made by a Member of Congress (or by any staff of a Member or committee of Congress).

"(3) Public Communications on Views of President.—

(A) In General.—Subsection (a) shall not be construed to prevent any Federal agency official whose appointment is confirmed by the Senate, and any employee of the Executive Office of the President directly appointed by the President or Vice President, or the head of any Federal agency described in subsection (e), from communicating with the public, through radio, television, or any other public communication media, on the views of the President for or against any pending legislative proposal.

(B) Nondelegation.—Subparagraph (A) does not permit any Federal agency official described in that subparagraph to delegate to another person the authority to make communications subject to the exemption provided by that subparagraph.

(c) Comptroller General.—

(1) Assistance to General.—In exercising the authority provided in section 712, as applied to this section, the Comptroller General may obtain, without reimbursement, technical assistance from the Inspector General with respect to investigations of the Comptroller General, the assistance of the Inspector General within the Department of Housing and Urban Development when any activity prohibited by subsection (a) is under review.

(2) Evaluation.—One year after the date of enactment of this Act, the Comptroller General shall report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the implementation of this section.

(3) Annual Report.—The Comptroller General shall, in the annual report under section 719(a), include summaries of investigations undertaken by the Comptroller General with respect to subsection (a).

SEC. 902. PENALTIES AND INJUNCTIONS.

(1) Penalties.

(A) In General.—The Attorney General may bring a civil action in the appropriate district court of the United States against any person who engages in conduct constituting an offense under this section, whether such offense is due to personal participation in any activity prohibited in subsection (a) or to the delegation to another person the authority to make exempt communications in violation of subsection (b)(3), and, upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not less than $5,000 and not more than $10,000 for each violation.

(B) Other Remedies Not Precluded.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy which is available by law to the United States or any other person.

(2) Injunctions.

(A) In General.—If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under this section, whether such offense is due to personal participation in any activity prohibited in subsection (a) or to the delegation to another person the authority to make exempt communications in violation of subsection (b)(3), the Attorney General may bring a civil action in the appropriate district court of the United States for an order prohibiting that person from engaging in such conduct; and

(B) Other Remedies Not Precluded.—The filing of a petition under this section does not preclude any other remedy which is available by law to the United States or any other person.

(3) Definition.—In this section, the term ‘Federal agency’ means—

(1) any executive agency, within the meaning of section 105 of title 5; and

(2) any private corporation created by a law of the United States for which the Comptroller General approves.

(4) Conforming Amendment.—The table of sections for chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1353 the following:

"1354. Prohibition on lobbying by the Department of Housing and Urban Development.".

(5) Application.—The amendments made by this section shall apply to the use of funds after the effective date of this Act, including funds appropriated or received on or before that date.

SEC. 903. REGULATIONS.

Not later than 6 months after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

By Mr. WYDEN—

S. 2970. A bill to provide for summer academic enrichment programs, and for the purposes; to the Committee on Health, Education, Labor, and Pensions.

The Student Education Enrichment that is delay, Development Act.

Mr. WYDEN. Mr. President, approximately 3.4 million students entered kindergarten in U.S. public schools last
that number in poor urban areas. While these programs are helping some students, the results should be better. Only 40 percent of New York students who failed state exams and completed summer school passed on the state exam on their second attempt. In the Pacific Northwest, Seattle canceled its summer program after students made only meager academic gains. I ask unanimous consent that the article from Time magazine be included in the record at the conclusion of my statement.

Schools should strive to meet higher standards, and we should have high expectations for every child. But our kids should not be punished because our education system has failed them. It's time to make sure every child learns and succeeds. According to a recent study, more than half of our teachers promoted unprepared students because the current system does not provide adequate options.

High-quality summer academic programs would give struggling students a chance to succeed in a system that has failed them and help reverse the trend of poor student performance by preparing students to succeed where they have previously failed. Over the past years, we've heard a lot of rhetoric about education, but empty promises won't help our kids learn. Our children deserve more.

I am pleased to be joined by Senators LANDRIEU, BREAUX and BAYH in introducing the bill today, and ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2970

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 “Student Education Enrichment Demonstration Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) States are establishing new and higher academic standards for students in kindergarten through grade 12; (2) no Federal funding streams are specifically designed to help States and school districts with the costs of providing students who are struggling academically, with the extended learning time and accelerated curriculum that the students need to meet high academic standards; (3) for lightweight States now require State accountability tests to determine student grade-level performance and progress; (4) nineteen States currently rate the performance of all schools or identify low-performing schools through State accountability tests; (5) sixteen States now have the power to close, take over, or overhaul chronically failing schools on the basis of their test results; (6) fourteen States provide high-performing schools with monetary rewards on the basis of their test results.

SEC. 3. PURPOSE.
The purpose of this Act is to provide Federal support through a new demonstration program to States and local educational agencies, to enable the States and agencies to develop models for summer academic enrichment programs that are specifically designed to help public school students who are not meeting State-determined academic standards.

SEC. 4. DEFINITIONS.
In this Act:

(1) ELEMENTARY SCHOOL; SECONDARY SCHOOL; LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY—The terms “elementary school”, “secondary school”, “local educational agency”, and “State educational agency” have the meanings given the terms in section 1400 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7501).

(2) SECRETARY—The term “Secretary” means the Secretary of Education.

(3) STUDENT—The term “student” means an elementary school or secondary school student.

SEC. 5. GRANTS TO STATES.
(a) IN GENERAL.—The Secretary shall establish a demonstration program through which the Secretary shall make grants to States educational agencies, on a competitive basis, to implement new models for summer academic enrichment programs as part of statewide education accountability programs.

(b) ELIGIBILITY AND SELECTION.—

(1) ELIGIBILITY.—For a State educational agency to be eligible to receive a grant under subsection (a), the State served by the State educational agency shall—

(A) have in effect all standards and assessments required under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311); and

(B) compile and annually distribute to parents of public school students a report card, at a minimum, includes information on student and school performance for each of the assessments required under section 1111 of the Elementary and Secondary Education Act of 1965.

(2) SELECTION.—In selecting States to receive grants under this section, the Secretary shall make the selections in a manner consistent with the purpose of this Act.

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—Such application shall include—

(A) information describing specific measurable goals and objectives to be achieved in the State through the summer academic enrichment programs carried out under this Act, which may include specific measurable indicators of educational goals and objectives relating to—

(i) increased student academic achievement;

(ii) decreased student dropout rates; or

(iii) such other factors as the State educational agency may choose to measure; and

fall, and experts predict wildly different futures for them. Many children do well throughout elementary school, only to slip and fall between the cracks in middle school. This so-called “achievement gap” opens wide in middle school and grows throughout high school if nothing is done to reverse it.

Raising test scores in K–12 education has brought the achievement-gap issue to the forefront of the national education debate and created a new opportunity to support those states that are making a real effort to improve student achievement. But trying to close the gap by simply bumping up test standards only pushes kids out of school rather than across the gap.

Few have really looked at the most logical place to begin to close the gap: summer school. Students take their achievement tests in April but have to return to school in the Fall. Summer school is one place to begin helping students close the gap, yet the Federal government has thus far been unable to create summer programs that support successful summer academic programs.

The legislation I am introducing today, the Student Education Enrichment Development Act, or SEED Act, will give additional academic enrichment programs to boost student performance. SEED will support all struggling students by providing the first federal grants as part of statewide education accountability programs. The legislation I am introducing today, the Student Education Enrichment Development Act, or SEED Act, will support enriching programs to boost student performance. SEED will support all struggling students by providing the first federal grants to implement new summer academic programs.

The disparity in school performance tied to race and ethnicity, known as the achievement gap, shows up in grades, test scores, course selection, and college completion. To a large extent, these factors predict a student’s success in school, whether a student will go to college, and how much money the student will earn when he or she enters the working world. It happens in cities and in suburbs and in rural school districts. The gaps are so pronounced that in 1996, several national tests found African-American and Hispanic 12th graders scoring at roughly the same levels in reading and math as white 8th graders. By 2019, when they are 24 years old, current trends indicate that the white children who are now nearing the end of their first year in school will be twice as likely as their African-American classmates, and three times as likely as Hispanic classmates at a college degree.

In Oregon last year, only 52 percent of the tenth graders met the state’s standard for reading, while only 36 percent met the standard for math. But students in Oregon are actually doing better than the national average. More than two-thirds of American high-school seniors graduated last year without being able to read at a proficient level. Results like these are the reason we need SEED.

This week’s Time Magazine reports that at least 25 percent of our U.S. school districts are mandating summer school for struggling students—twice
SEC. 6. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—

(1) FIRST YEAR.—For the first year that a State educational agency receives a grant under this Act, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

(b) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(iii) to assist the agencies in planning activities to be carried out under this Act.

(2) SUCCEEDING YEARS.—

(A) IN GENERAL.—For the second and third year that a State educational agency receives a grant under this Act, the State educational agency shall use the funds made available through the grant to make grants to eligible local educational agencies in the State to pay for the Federal share of the cost of carrying out the summer academic enrichment programs, except as provided in subparagraph (B).

(B) TECHNICAL ASSISTANCE AND PLANNING ASSISTANCE.—The State educational agency may use not more than 5 percent of the funds—

(i) to provide to the local educational agencies technical assistance that is aligned with the curriculum of the agencies for the programs;

(ii) to enable the agencies to obtain such technical assistance from entities other than the State educational agency that have demonstrated success in using the curriculum; and

(iii) to assist the agencies in evaluating activities carried out under this Act.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the Secretary or the State may require.

(2) CONTENTS.—The State shall require that such application include, to the greatest extent practicable—

(A) information that—

(i) demonstrates that the local educational agency will carry out a summer academic enrichment program funded under this section;

(ii) that provides intensive high quality programs that are aligned with challenging State content and student performance standards and that are focused on reinforcing and boosting the core academic skills and knowledge of students who are struggling academically, as determined by the State;

(iii) that focuses on accelerated learning, rather than remediation, so that students served through the program will master the high level skills and knowledge needed to meet the highest State standards or to perform at high levels on all State assessments required under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311);

(iv) that is based on, and incorporates best practices developed from, research-based enrichment methods and practices;

(v) that has a proposed curriculum that is directly aligned with State content and student performance standards;

(vi) for which all teachers who are certified and licensed, and are otherwise fully qualified teachers, provide academic instruction to students enrolled in the programs;

(vii) that offers the State in the program professional development and technical assistance that are aligned with the approved curriculum for the program; and

(viii) that indicates the facilities to be acquired and the estimated amount of the funds necessary to acquire such facilities to provide summer academic enrichment programs that the State determines would be both highly successful and replicable; and

(B) information on criteria, established or modified by such State educational agency, for determining eligibility for grants under this section.

(c) REPORT TO CONGRESS.—The Secretary shall submit to Congress a report. The report shall describe—

(1) the method the State educational agency used to make grants to eligible local educational agencies;

(2) the non-Federal share of the cost of providing an academic enrichment program for each of the agencies that received a grant under this Act;

(3) the number of students that will be served by the program;

(4) the grade levels that will be served by the program;

(5) the standards used to measure academic performance;

(6) the efforts and strategies used to ensure that high quality teachers and other highly qualified personnel who volunteer to work with the program will be provided by qualified teachers;

(7) the types of intensive training or professional development, aligned with the curriculum of the program, that will be provided;

(8) the methods used to measure what students have learned;

(9) the methods used to measure whether students met the goals and objectives described in section 5(c)(2)(A) for the program;

(10) the methods used to measure whether the student and teacher ratios for the programs were within the State's requirements;

(11) the proportion of urban, suburban, and rural students that will be served by the program;

(12) the proportion of the students that will be served by the program who are not meeting basic or minimum reading or mathematics performance standards;

(13) the proportion of the students that will be served by the program who are expected to be served by the State's other academic enrichment programs; and

(14) the proportion of the students that will be served by the program who are expected to be served by the State's other academic enrichment programs that are aligned with challenging core academic skills and knowledge.

(d) POLICIES.—

(1) IN GENERAL.—The State shall require that local educational agencies—

(A) develop and submit an annual report to the State educational agency on the State's progress in implementing the goals and objectives established by the State under section 1111 of the Elementary and Secondary Education Act of 1965;

(B) in the description of how the local educational agency will involve parents and the community in the program in order to raise academic achievement; and

(C) in the description of how the local educational agency will acquire any needed technical assistance that is aligned with the curriculum of the agency for the program, to the extent practicable, other than funds made available under this Act.

(e) FORM.—The Secretary shall provide to Congress a copy of the report submitted to the State educational agency.

SEC. 7. SUPPLEMENT NOT SUPPLANT.

Funds appropriated pursuant to the authority of this Act shall be used to supplement and not supplant other Federal, State, local public, or private funds expended to provide academic enrichment programs.
SEC. 9. ADMINISTRATION.

The Secretary shall develop program guidelines to oversee the demonstration program carried out under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2001 through 2004.

SEC. 11. TERMINATION.

The authority provided by this Act terminates 3 years after the date of enactment of this Act.

By Mr. HARKIN:

S. 2971. A bill to amend the Clean Air Act to phase out the use of methyl tertiary butyl ether in fuels or fuel additives, to promote the use of renewable fuels, and for other purposes; to the Committee on Environment and Public Works.

CLEAN AND RENEWABLE FUELS ACT OF 2000

Mr. HARKIN. Mr. President, I am introducing today legislation designed to address the extensive problems that have been caused by the gasoline additive methyl tertiary butyl ether (MTBE). The additive is an oxygen content enhancer to the reformulated gasoline (RFG) program in the Clean Air Act.

It has become absolutely clear that MTBE has to go. Even in Iowa, where we are not required to have oxygenated fuels or RFG, a recent survey found a surprising level of water contamination with MTBE. So my legislation requires a phased reduction in the use of MTBE in motor fuel and then a prohibition on MTBE in fuel of fuel additives within three years after enactment. Retail pumps dispensing gasoline with MTBE would be labeled so that consumers know what they are buying. And in order to facilitate an orderly phase-out of MTBE, EPA may establish a credit trading system for the dispensing and sale of MTBE.

My legislation recognizes the benefits that have been provided by the oxygen content requirement in the reformulated gasoline program. Oxygen additives reduce emissions of carbon monoxide, toxic compounds and fine particulate matter. So my legislation continues the oxygen content requirement, but it does allow for certain actions that would alleviate concerns about whether alternative oxygen additives will be available after MTBE is removed from gasoline. The bill allows for averaging of the oxygen content upon a proper showing and it also would allow for a temporary reduction or waiver of the minimum oxygen content requirement in very limited circumstances.

The legislation also ensures that all health benefits of the reformulated gasoline program are maintained and improved. The bill includes very strong provisions to ensure that there is no backsliding in air quality and health benefits from cleaner burning reformulated gasoline. The petroleum companies would also be prohibited from taking any steps to keep MTBE out of gasoline in some areas and putting them back into gasoline in other areas of the country that are not subject to the more stringent air quality standards. Those are referred to as the anti-dumping protections. The provisions also restrictations on highly polluting aromatic and olefin content of reformulated gasoline.

My legislation also recognizes the important role of renewable fuels in improving our environment, building energy security for our nation, and increasing farm income, economic growth and job creation, especially in rural areas. The legislation creates a renewable content requirement for gasoline and for fuel additives.

Overall, this legislation will get MTBE out of gasoline, maintain and improve the air quality and health benefits of the reformulated gasoline program and the Clean Air Act, and put our nation on a solid path toward greater use of renewable fuels.

I ask unanimous consent that a section-by-section summary of my legislation be printed in the RECORD. I urge my colleagues to support this important legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-By-SECTION SUMMARY—CLEAN AND RENEWABLE FUELS ACT OF 2000

Section 1. Short title

The bill may be cited as the "Clean and Renewable Fuels Act of 2000".

Section 2. Use and cleanup of methyl tertiary butyl ether

Prohibition Except in Specified Nonattainment Areas: Section 211(c) of the Clean Air Act is amended in the beginning of the section, by inserting after January 1, 2001, a person shall not sell or dispense to ultimate consumers any fuel or fuel additive containing MTBE in any area that is not a nonattainment area in which reformulated gasoline is required to be used and in which MTBE was used to meet the oxygen content requirement prior to January 1, 2000.

Interim Period for Use of MTBE: The Administrator shall issue regulations requiring, during the one-year period beginning one year after enactment of the Act, a maximum reduction in the quantity of MTBE that may be sold or dispensed for use in a fuel or fuel additive, and during the one-year period beginning two years after enactment of the Act, a maximum reduction in the quantity of MTBE that may be sold or dispensed for use in a fuel or fuel additive.

In no area may the quantity of MTBE is to be sold or dispensed for use as a fuel or fuel additive increase.

Basis for Reductions; Equitable Treatment: The basis for reductions shall be the quantity of MTBE sold or dispensed for use as a fuel or fuel additive in the United States during the one-year period ending on the date of enactment. The regulations requiring more rapid reduction shall provide, to the maximum extent practicable, for equitable treatment on a geographical basis and among manufacturers, refiners, distributors and retailers.

Trading of Authorizations to Sell or Dispense MTBE: To facilitate the orderly reduction and eventual elimination of MTBE, the regulations may allow the sale and purchase of authorizations to sell or dispense MTBE for use in a fuel or fuel additive.

Lawsuit Waivers: The Administrator shall issue regulations requiring any person selling or dispensing gasoline that contains MTBE at retail prominently to label the gasoline dispensing system with a statement that the gasoline contains MTBE and providing such information concerning the human health and environmental risks of MTBE as the Administrator determines.

Prohibition on Use of MTBE or Other Ethers: Effective three years after enactment, a person shall not manufacture, introduce into commerce, offer for sale, sell, or dispense a fuel or fuel additive containing MTBE or any other ether compound. The Administrator may waive the prohibition on an ether compound other than MTBE upon determination that it does not pose a significant risk to human health or the environment. The Administrator may require a more rapid reduction (including immediate termination) of the quantity of MTBE sold or dispensed in an area upon determination of MTBE contamination or a substantial risk of MTBE contamination.

State Authority to Regulate MTBE: A State may impose such restrictions, including prohibition, on the sale or use of MTBE in a fuel or fuel additive as the State determines appropriate to protect human health and the environment.

Remedial Action Required: The Administrator may enter into cooperative agreements with States to develop and implement programs to clean up MTBE and to provide technical assistance to support voluntary pilot programs for the cleanup of MTBE and the protection of private wells from MTBE contamination.

Section 3. Reformulated gasoline—in general; oxygen content

Opt-in Areas; General Provisions: Regulations issued for the reformulated gasoline program shall apply to specified nonattainment areas and opt-in areas. The regulations shall require the greatest possible reduction of the content of MTBE and other oxygenates and other compounds and emissions of toxic air pollutants and precursors of toxic air pollutants.

Waiver of Per-Gallon Oxygen Content Requirement: The Administrator shall issue regulations establishing a procedure providing for the submission of applications for a waiver of any per-gallon oxygen content requirement otherwise established and the averaging of oxygen content over an appropriate period of time, not exceeding a year. Any consultation with the Secretary of Energy and the Secretary of Agriculture, the Administrator shall grant a petition for oxygen averaging where necessary to avoid a shutdown or disruption in supply of reformulated gasoline, to avoid excessive prices for reformulated gasoline, or to facilitate attainment by the area of a national ambient air quality standard. The Administrator shall ensure that the human health and environmental benefits of the reformulated gasoline program are fully maintained during the period of any waiver.

Temporary Reduction of Oxygen Content Requirement: Upon application of a state, if the Secretary of Energy with the concurrence of the Secretary of Agriculture finds that there is an insufficient supply of oxygenates in an area the Administrator
may temporarily reduce or waive the oxygen content requirement for the area to the extent necessary to ensure an adequate supply of reformulated gasoline. A temporary waiver would be effective for 90 days, or shorter period if a sufficient supply of oxygenates exists, and may be extended for an additional 90-day period. The regulations shall ensure that the health and environmental benefits of the reformulated gasoline program are fully maintained during the period of any temporary waiver of the oxygen content requirement.

Section 4. Limitations on aromatics and olefins in reformulated gasoline

Aromatic Content: The aromatic hydrocarbon content of reformulated gasoline shall not exceed any percentage by volume that the average aromatic hydrocarbon content shall not exceed the average aromatic hydrocarbon content of reformulated gasoline sold in either calendar year 1999 or calendar year 2000; and no gallon of reformulated gasoline shall have an aromatic hydrocarbon content in excess of 3.0 percent.

Olefin Content: Whatever is more protective of the human health and environment.

Section 5. Reformulated gasoline performance standards

Emissions of Volatile Organic Compounds: Required reductions in VOC emissions shall be on a mass basis and, to the maximum extent practicable using available science, on the basis of ozone forming potential of VOCs and taking into account the effect on ozone formation of reducing carbon monoxide emissions.

Emissions of Toxic Air Pollutants and Precursors: The required reductions shall apply to toxic air pollutants or precursors of toxic air pollutants. The required emissions reductions shall be on a mass basis and, to the maximum extent practicable using available science, on the basis of relative toxicity or carcinogenic potency, whichever is more protective of human health and the environment.

Section 6. Anti-backsliding

Ozone Potential: The Administrator shall establish performance standards to ensure that, the ozone forming potential, taking into account all ozone precursors, of the aggregate emissions during the high ozone season from baseline vehicles using reformulated gasoline does not exceed the ozone forming potential of emissions when using reformulated gasoline that complies with the requirements in effect on January 1, 2000.

Specified Pollutants: The Administrator shall revise performance standards to ensure that the emissions of specified pollutants or their precursors when using reformulated gasoline do not exceed the aggregate emissions of such pollutants or precursors from baseline vehicles when using reformulated gasoline that complies with the regulations in effect on January 1, 2000. The specified air pollutants are toxic air pollutants, degree of toxification and carcinogenic potency, particulate matter and fine particulate matter; pollutants regulated under section 188; and such other pollutants as the Administrator may designate as soon as practicable after it is received.

Section 7. Certification of fuels

Combined Reductions of Ozone Forming VOCs and Carbon Monoxide: In certifying a fuel formulation or slate of fuel formulations as equivalent to reformulated gasoline, the Administrator shall determine whether the combined reductions in emissions of VOCs and carbon monoxide result in a reduction in ozone concentration equivalent to or greater than the combined reductions in VOC emissions from baseline vehicles attributable to an oxygen content that exceeds any minimum oxygen content for reformulated gasoline applicable to the area and may consider the change in carbon monoxide emissions attributable to such oxygen content from vehicles other than baseline vehicles.

Toxic Air Pollutants and Precursors: To be certified as equivalent to reformulated gasoline, the fuel or slate of fuels must achieve equivalent or greater reductions in emissions of toxic air pollutants or precursors of toxic air pollutants than are achieved by a reformulated gasoline meeting the statutory formula and performance requirements. A certified fuel formulation or slate of fuel formulations shall receive the same VOC reduction credit under section 182 as a reformulated gasoline meeting the statutory formula and performance requirements.

Section 8. Additional op-rn areas

Upon application of the Governor of a State to the Administrator, the Administrator shall apply the requirements relating to reformulated gasoline in any area of the State that is not a covered area or a classified area. The application shall be published in the Federal Register as soon as practicable after it is received.

Section 9. Anti-dumping protections

 Updating Baseline Year: Additional Pollutants Covered: The Administrator shall issue regulations relating to oxygenates, nitrogen, degree of toxification and carcinogenic potency, particulate matter and fine particulate matter; pollutants regulated under section 188; and such other pollutants as the Administrator may designate as soon as practicable after it is received.

Adjustments for Carbon Monoxide Emissions: In carrying out the ozone anti-backsliding requirement, the Administrator shall adjust the performance standard to take into account carbon monoxide emissions that are greater or less than the carbon monoxide emissions from reformulated gasoline sold or introduced into commerce by a refiner, blender or importer of gasoline for calendar year 1999 or calendar year 2000, the Administrator shall substitute baseline gasoline for 1999 or 2000 gasoline.

Section 10. Renewable content of gasoline and diesel fuel

Renewable Content of Gasoline: Not later than September 1, 2000, the Administrator shall issue regulations requiring each refiner, blender or importer of gasoline to comply with renewable content requirements. On a mass or volumetric basis, all gasoline sold or introduced into commerce shall contain the applicable percentage of fuel derived from a renewable source. The applicable percentages increase from 1.3 percent in 2000, to 2.4 percent in 2004 (coinciding with the expected prohibition of MTBE by late 2003) and to 4.2 percent in 2010 and thereafter.

Fuel Derived From A Renewable Source: The definition of fuel derived from a renewable source includes fuel produced from agricultural commodities, products and their residues; plant materials; animal products; biomass; fibers, wood and wood residues; dedicated energy crops and trees; animal wastes, byproducts and other materials of animal origin; and waste biomass from plant or animal sources.

Credit Program: The Administrator may establish a program for renewable fuel credits trading on a quarterly average basis. The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may establish the generation and trading of such credits in order to prevent excessive geographical concentration in the use of fuel derived from renewable sources, that would tend unduly to affect the price, supply or distribution of such fuels; and to prevent the development of the renewable fuels industry, or otherwise interfere with the purposes of the renewable fuel content requirement.

Waiver: A waiver from the renewable fuel content requirement may be granted for an area or in part thereof, in consultation with the Secretary of Agriculture and the Secretary of Energy. The waiver may only be granted for an area upon a determination that the waiver, if granted, would severely harm the economy or environment of the area, or there is inadequate...
domestic supply or distribution capacity with respect to fuels from renewable sources and only after a determination that use of the credit trading program would not alleviate the fuel shortage which the determination is based. A waiver shall terminate after one year, or at such earlier time as is determined appropriate by the Administrator, but may be renewed after consultation with the Secretary of Agriculture and the Secretary of Energy.

Labeling: The Administrator shall issue guidance to the States for labeling at the point of retail sale of fuel derived from a renewable source and the major fuel additive components of the fuel.

Reports to Congress: Concerning the renewable content requirement, the Administrator shall report to Congress at least every 3 years regarding reductions in emissions of air pollutants; (2) in consultation with the Secretary of Agriculture, regarding the impact on demand for farm commodities, biomass and other material used for producing fuel derived from renewable sources; the adequacy of food and feed supplies; and the effect upon farm income, employment and economic growth, particularly in rural areas; and (3) in consultation with the Secretary of Energy, describing greenhouse gas emission reductions from the use of the fuel, energy security and reliance on imported petroleum.

Renewable Content: The Department of Energy regulations on similar terms to those of the proposal.

PCB Price: The Administrator shall issue regulations applicable to any adverse impacts as a consequence of the program for gasoline.

Prevention of effects on Highway Appor- tionments: The States shall be protected from the requirements of the program for gasoline, using the same definition of fuel derived from a renewable source. The regulations shall establish applicable percentages by volume for renewable content for diesel fuel on a quarterly basis, require a gradual increase in the renewable content of diesel fuel, and require that for calendar year 2010 and thereafter the applicable percentage shall be 1.0 percent. The regulations shall provide for grandfathering and waiver applica- tions on similar terms to those of the program for gasoline.

Prevention of effects on Highway Appor- tionments: The States shall be protected from any adverse impacts as a consequence of the sale and use within a State of ethanol in determining the payments attributable to a State's share of Highway Trust Fund and the minimum guarantee based on payments into the Highway Trust Fund.

By Mr. KERRY (for himself, Mr. Grassley, Mr. SARBANES, Mr. LEVIN, and Mr. ROCKEFELLER):

S. 2972. A bill to combat international money laundering and foreign anticorruption through the use of the Bank of New York for "deficiencies" in its anti-money laundering and anti-bribery operations, to require establishment of a "Deficiency" program for financial institutions to launder millions of dollars from foreign governments.

Mr. KERRY. Mr. President, I believe the United States must do more to stop international criminals from using the blood of their profits from the sale of drugs, from terror or from organized crime to launder money into the United States financial system.

That is why today, along with Senators GRASSLEY, SARBANES, LEVIN, and ROCKEFELLER, I am introducing the International Counter-Money Laundering and Foreign Anticorruption Act of 2000 which will give the Secretary of the Treasury the tools to crack down on international money laundering activities and protect the integrity of the U.S. financial system.

I very much appreciate work of the Secretary of Treasury Lawrence Summers in the development of this legislation. Secretary Summers has been a leader in bringing the issue of money laundering to the attention of the American public and the Congress. Earlier this year, Secretary Summers said, "The attack on money laundering is an essential front in the war on narcotics and the broader fight against organized crime worldwide. Money laundering may look like a polite form of white collar crime, but it is the companion of brutality, deceit and corruption."

I am deeply saddened that I will not have the pleasure with Senator PAUL COVERDELL, who was to be the primary cosponsor of this legislation. His passing is a tremendous loss to the American people and the U.S. Senate.

Money laundering is the financial side of international crime. It occurs when criminals seek to disguise money that was illegally obtained. It allows money to be transferred to other criminals, to convert the profit from their illegal activities into legal income, and to finance new crimes. It provides the tool that can be used to launder money to ensure that diesel fuel sold or intro- duced into the United States financial system.

Mr. Chairman, I very much appreciate work of the Senate Governmental Affairs Subcommittee on Investigations in releasing a report on private banking and its relationship with illegal activity. The report describes a number of incidents where high level government officials have used private banking accounts with U.S. financial institutions to launder millions of dollars from foreign govern- ments. The report of Alex Salinas, brother of former President of Mexico, Carlos Salinas, used private bank accounts to launder money out of Mexico. Representatives from Citigroup testified at a Subcommittee hearing that the bank had been slow to correct controls over their private banking accounts.

During the 1980s, as chairman of the Senate Permanent Subcommittee on Investigations, I helped lead investigations of the Bank of Credit and Com- merce International (BCCI), and uncovered a complex money laundering scheme. Unlike any ordinary bank, BCCI was from its earliest days made up of multiplying layers of entities, related to one another through an impenetrable series of holding companies, affiliates, subsidiaries, banks-within-banks, insider dealings, and nominee relationships.

By fracturing corporate structure, record keeping, regulatory review, and audits, the complex BCCI family of en- tities was able to evade ordinary legal restrictions on the movement of capital and goods as a matter of daily practice and routine. In creating BCCI as a vehicle fundamentally free of gov- ernment control, its creators developed an ideal mechanism for facilitating il- licit activity by others.

I used this complex corporate structure to commit fraud involving billions of dollars; and launder money for their clients in Europe, Africa, Asia, and the Americas. Fortunately, we were able to bring many of those in- volved to justice. However, my investigation clearly showed that rogue financial institutions have the ability to circumvent the laws designed to stop financial crimes.

In recent years, the United States and other well-developed financial centers have been working together to improve their antimonney laundering re- gimes and to set international anti-
money laundering standards. Back in 1988, I included a provision in the State Department Reauthorization bill that requires major money laundering countries to adopt laws similar to our own on reporting currency, or face sanctions if Panama, for example, wound up negotiating what were called Kerry agreements with the United States and became less vulnerable to the placement of U.S. currency by drug traffickers in the process.

Unfortunately, other nations—some small, remote islands—have moved in the other direction. Many have passed laws that provide for excessive bank secrecy, anonymous company incorporation, economic citizenship, and other provisions that directly conflict with well-established international anti-money laundering standards. In doing so, they have become money laundering havens for international criminal networks. Some even bluntly advertise the fact that their laws protect anyone doing business from U.S. law enforcement.

Just last month, the Financial Action Task Force, an intergovernmental body developed to develop and promote policies to combat financial crime, released a report naming fifteen jurisdictions—including the Bahamas, the Cayman Islands, Russia, Israel, Panama, and the Philippines—that have failed to take adequate measures to combat international money laundering. This is a clear warning to financial institutions in the United States that they must begin to scrutinize many of their financial transactions with customers in these countries as possibly being linked to crime and money laundering. Soon, the Financial Action Task Force will develop bank advisories and criminal sanctions that will have the effect of driving legitimate financial business from these nations, depriving them of a lucrative source of income. This report has provided important information that governments and financial institutions around the world should learn from in developing their own anti-money laundering laws and policies.

The Financial Stability Forum has recently released a report that categorizes offshore financial centers according to their perceived quality of supervision and degree of regulatory cooperation. The Organization for Economic Co-operation and Development (OECD) has begun a new crackdown on harmful tax competition. Members of the European Union has reached an agreement in principle on sweeping changes to bank secrecy laws, intended to bring cross-border investment income within the net of tax authorities.

The actions by the Financial Action Task Force, the European Union and others show a renewed international focus and commitment to curbing financial abuse around the world. I believe the United States has a similar obligation to use this new information to update our anti-money laundering status.

The International Counter-Money Laundering and Anticorruption Act of 2000 which I am introducing today would provide the tools the U.S. needs to crack down on international money laundering havens and protect the integrity of the financial system from the influx of tainted money from abroad. The bill provides for actions that will be graduated, discretionary, and targeted, in order to focus actions on international transactions involving criminal proceeds, allowing legitimate international commerce to continue to flow unimpeded. It will give the Secretary of the Treasury—acting in consultation with other senior government officials and the Congress—the authority to designate a specific foreign jurisdiction, foreign financial institution, or class of international transactions as being of "primary money laundering concern."

Then, on a case-by-case basis, the Secretary would have the option to require banks to pierce the veil of secrecy that foreign criminals hide behind. In other cases, the Secretary will have the option to require the identification of those using a foreign bank's correspondent or payable-through accounts. And if these transparency provisions were deemed to be inadequate to address the privacy of problem identified, the Secretary will have the option to restrict or prohibit U.S. banks from continuing correspondent or payable-through banking relationships with money laundering havens and rogue foreign banks. Through these steps, the Secretary will help prevent laundered money from slipping undetected into the U.S. financial system and, as a result, increase the pressure on foreign money laundering havens to bring their practices into line with international anti-money laundering standards. The passage of this legislation will make it much more difficult for international criminal organizations to launder the proceeds of their crimes into the United States.

This bill fills in the current gap between bank advisors and International Emergency Economic Powers Act (IEEPA) sanctions by providing five new intermediate measures. Under current law, all anti-money laundering tools available to the federal governments are advisory, an important but relatively limited measure instructing banks to pay close attention to transactions that involve a given country, and full-blown economic sanctions under the IEEPA. This legislation gives five additional measures to increase the government's ability to apply pressure against targeted jurisdictions or institutions.

This legislation will in no way jeopardize the American public. The focus is on foreign jurisdictions, financial institutions and classes of transactions that present a threat to the United States, not on American citizens. The actions that the Secretary of the Treasury is authorized to take are designed solely to combat the abuse of our banks by specifically identified foreign money laundering threats. This legislation is in no way similar to the consumer regulations that were proposed by the regulators last year. Further, the intent of this legislation is not to add additional regulatory burdens on financial institutions, but, to give the Secretary the ability to take action against existing money laundering threats.

Let me repeat, this legislation only gives the discretion to use these tools to the Secretary of the Treasury. There is no automatic trigger which forces action whenever evidence of money laundering is uncovered. Before any action is taken, the Secretary of the Treasury, in consultation with other senior government officials, must first determine whether a specific country, financial institution or type of transaction is of primary money laundering concern. Then, a calibrated response will be developed that will consider the effectiveness of the measure to address the threat, whether other countries are taking similar steps, and whether the response will cause harm to U.S. financial institutions and other firms.

This legislation will strengthen the ability of the Secretary to combat the international money laundering and help protect the integrity of the U.S. financial system. This bill is supported by the heads of all the major federal law enforcement agencies. The House Banking Committee recently reported out this legislation with a bipartisan 33-1 vote. I believe this legislation deserves consideration by the Senate during the 106th Congress.

Today, advances in technology are bringing the world closer together than ever before and opening up new opportunities for economic growth. However, with these new advantages come equally important obligations. We must do everything possible to insure that the changes in technology do not give comfort to international criminals by giving them new ways to hide the financial proceeds of their crimes. I believe that this legislation is a first step toward limiting the scourge of money laundering will help stop the development of international criminal organizations.

Mr. SARBANES. Mr. President, I am pleased to join Senators KERRY, GRASSLEY, LEVIN, and ROCKEFELLER in introducing the Clinton/Gore administration's International Counter-Money Laundering and Foreign Anti-Corruption Act of 2000 ("ICMLA"). Money laundering poses an ongoing threat to the financial stability of the United States. It is estimated by the Department of the Treasury that the global volume of laundered money accounts for between 2-5 percent of the global GDP.

The ICMLA is designed to bolster the United States ability to counter the
laundring of the proceeds of drug trafficking, organized crime, terrorism, and official corruption from abroad. The bill broadens the authority of the Secretary of the Treasury, ensures that banking transactions and financial relations of transnational organized crime are being scrutinized, and strengthens current measures to prevent the use of the U.S. financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

First, section 101 of the ICLA gives the Secretary of the Treasury, in consultation with other key government officials, discretionary authority to impose five new “special measures” against foreign jurisdictions and entities that are of “primary money laundering concern” to the United States. Under current law, the only countermoney laundering tools available to the U.S. government are examinations, an important but relatively limited measure instructing banks to pay close attention to transactions that involve a given country, and full-blown economic sanctions under the International Emergency Economic Powers Act (“IEEPA”). The five new intermediate measures will increase the government’s ability to apply well-calibrated pressure against targeted jurisdictions or institutions. These new measures include: (1) requiring additional record keeping/reporting on particular transactions, (2) requiring the identification of the beneficial foreign owner of a U.S. bank account, (3) requiring the identification of those individuals using a U.S. bank account opened by a bank to escape U.S. banking transactions (a “payable-through account”), (4) requiring the identification of those using a U.S. bank account established to receive deposits and make payments on behalf of a foreign financial institution (a “correspondent account”), and (5) restricting or prohibiting the opening or maintaining of certain correspondent accounts.

Second, the bill seeks to enhance oversight into illegal activities by clarifying that the “safe harbor” from civil liability for filing a Suspicious Activity Report (“SAR”) applies in any litigation, including suit for breach of contract or in an arbitration proceeding. Under the Bank Secrecy Act (“BSA”), any financial institution or officer, director, employee, or agent of a financial institution is protected against private civil liability for filing a SAR. Section 201 of the bill amends the BSA to clarify the prohibition on disclosure that has been the SAR. These reports are the cornerstone of our nation’s money-laundering efforts because they provide the information necessary to alter law enforcement to illegal activity.

Third, the bill enhances enforcement of Geographic Targeting Orders (“GTOs”). These orders lower the dollar thresholds for reporting transactions that are deemed geographic in nature. Section 202 of the bill clarifies that civil and criminal penalties for violations of the Bank Secrecy Act and its regulations also apply to reports required by GTO’s. In addition, the section clarifies that structuring a transaction an attempt to avoid reporting requirement by a GTO is a criminal offense and extends the presumptive GTO period from 60 to 180 days.

Fourth, section 203 of the bill permits a bank, upon request of another bank, to include suspicious illegal activity in written employment references. Under this provision, banks would be permitted to share information concerning the possible involvement of a current or former officer or employee in potentially unlawful activity without fear of civil liability for sharing the information.

Finally, title III of the bill addresses corruption by foreign officials and ruling elites. Pursuant to a sense of Congress, the Secretary of the Treasury, in consultation with the Attorney General and the financial services regulators, is mandated to issue guidelines to financial institutions operating in the United States on appropriate practices and procedures to reduce the likelihood that such institutions could facilitate proceeds expropriated by or on behalf of foreign senior government officials.

The ICLA addresses many of the shortcomings of current law. The Secretary of the Treasury is granted additional authority to require greater transparency of transactions and accounts as well as to narrowly target penalties and sanctions. The reporting and collection of additional information on suspicious activity will greatly enhance the ability of bank regulators and law enforcement to combat the laundering of drug money, proceeds from corrupt regimes, and other illegal activities.

Mr. President, the House Banking Committee passed the identical antimoney laundering bill by a vote of 31 to 1 on June 8, 2000. I hope that we can move this legislation expeditiously in the Senate.

By Mr. KERRY (for himself and Mr. HOLLINGS):
S. 2973. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to improve fishery management and enforcement, and fisheries data collection, research, and assessment, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE MAGNUSON-STEVENS ACT AMENDMENTS OF 2000

Mr. KERRY. Mr. President, I rise today to introduce the Magnuson-Stevens Act Amendments of 2000. I would like to thank Mr. HOLLINGS for joining me as an original cosponsor of this legislation to reauthorize and update the Magnuson-Stevens Fishery Conservation and Management Act. As my colleagues and I well remember, we last reauthorized the Act only four years ago with the Sustainable Fisheries Act—a three-year effort in itself. As in 1996, I look forward to working with members of the Commerce Committee as we update and improve this most important legislation.

Mr. President, the fishery resources found off U.S. shores are a valuable national heritage. In 1996, the last year for which we have figures, U.S. commercial fisheries produced $3.1 billion in dockside revenues, contributing a total of more than $25 billion to the Gross National Product. By weight of catch, the United States is the world’s fifth largest fishing nation, harvesting over 4 million tons of fish annually. The United States is also a significant seafood exporter, with exports valued at over $8 billion in 1998. In addition to supporting the commercial seafood industry, U.S. fishery resources provide enjoyment for about 9 million saltwater anglers who enjoy roughly 200 million pounds of fish per year.

Over the past year, the Commerce Committee under Senator SNOWE’s leadership has been holding a series of hearings around the country in preparation for this year’s reauthorization. These hearings have pointed to one central theme—while there is certainly room for improving fisheries management under the Magnuson-Stevens Act, the sweeping changes we made in 1996 are still being implemented in each region. In fact, a number of regions are showing good progress, including New England where the yellowtail flounder and haddock stocks are rebounding. For this reason, I believe this year’s reauthorization should leave in place the core conservation provisions of the Act, and focus on providing adequate resources, and any organizational or other changes necessary for NOAA Fisheries and Regional Fishery Management Councils to achieve the goals we set forth in the Sustainable Fisheries Act.

Mr. President, the bill I introduce today outlines a proposal for making this a reality. While we have added increasingly complex technical and scientific requirements to the fisheries management process, we have failed in many cases to provide the resources necessary to meet these requirements. Effective fisheries management for the future will rely on committing adequate resources and direction to the fisheries managers as well as the fishing participants. These include providing necessary funding increases to both the agency and the Councils, creation of a national observer program, establishing a national cooperative program with the fishing industry, and ensuring that we are collecting the socioeconomic data we need to design management measures that
make sense for fishermen. This legislation aims to remedy this by providing a significant increase in funding, and specifying amounts required to support both the new initiatives and existing programs.

Over the years, we have reauthorized the Magnuson-Stevens Act many times, and each time we have wrestled with the question of how to improve the ability of the Regional Fisheries Management Councils to effectively and fairly implement the requirements of the Act. This bill suggests ways in which to beginremedy these concerns. First, the bill would clarify that the Secretary of Commerce must ensure representation on the Council of all qualified persons who are concerned with fisheries conservation and management. While fishermen are the source of tremendous wisdom and expertise needed in managing these fisheries, there are others such as scientists and others with relevant experience who may also provide valuable service to the Councils. To help the Secretary meet this requirement, the bill requires Governors to consult with members of recreational, commercial, and other fishing or conservation interest groups before developing a list of nominees to send to the Secretary. We would like to see all those who can provide constructive attention to our fishery management problems to work together to forge innovative, effective solutions. In addition, we must increase independent scientific involvement in the Councils, and my legislation would provide that Councils must involve Science and Statistics Committee members in the development and amendment of fisheries management plans.

I do know of the grave concerns expressed by conservation groups, fishermen, scientists and managers about problems with the existing fishery management process. I believe the purpose of the bill is to address these questions, both with respect to the Councils and the Agen-
cy. I would like to work on this further with my colleagues as we go forward, but in the meantime this bill asks the National Academy of Sciences to bring together international and regional experts to evaluate what works and what may be broken in the current system, and what additional changes may be necessary to modernize and make more effective the entire fishery management process.

In our series of hearings around the country, we have consistently heard a call from both industry and conservation groups for observer coverage in our fisheries. We have failed to adequately provide funding mechanisms for observer coverage; each year, federally funded observers are deployed in as few as five to seven fisheries, and observer coverage is rarely over 20 percent. Without observer coverage, there is little or no way to have statistically significant data, particularly data on actual levels of bycatch. I have included provisions to ensure that each fisheries management plan details observer coverage and monitoring needs for a fishery, and created a new National Observer Program. This national program would address technical and administrative responsibilities over regional observer programs. I have also included provisions to allow Councils or the Secretary to develop observer monitoring plans, and have established a fishery observer fund which would include funds appropriated for this purpose, and could also include new bycatch incentive programs, or deposited through fees established under this sec-
tion.

In the 1996 reauthorization, we took a first step in dealing with the issue of bycatch by instructing NMFS to implement a standardized bycatch reporting methodology. Nonetheless, I believe we have a long way to go in dealing with the bycatch problem in many of our fisheries. In addition to establishing a national observer program, my bill would establish a task force to re-
commend measures to monitor, manage, and reduce bycatch and unobserved fishing mortality. The Secretary would then be charged with implementing these recommendations. In addition, I have included an amount of bycatch reduction incentive programs that could include a system of fines, non-transferable bycatch quotas, or preferences for gear types with low-by-
catch rates.

It is also time for us to move forward on ecosystem-based fishery management. We do not yet have the data to actually manage most of our fisheries on an ecosystem basis, but I still believe we must begin the preparation and consideration of fishery ecosystem plans. We must strive to understand the complex ecological and socio-
economic environments in which fish and fisheries exist, if we hope to antic-
pate the effects that fishery manage-
ment, as well as other activities, will have on fisheries. My legislation would require each Council to develop one fishery ecosystem plan for a marine ecosystem under its jurisdiction. Each ecosystem plan would have to include a listing of data and information needs identified during development of the plan, and the means of addressing any scientific uncertainties associated with the plan.

One of the most resounding com-
ments we heard at all of our regional hearings was the need to continually improve scientific information, and to involve the fishing industry in the col-
lection of this information. My bill would establish a national cooperative research program, patterned after the successful cooperative research program in the New England scallop fish-
ery, for projects that are developed through partnerships among federal and state managers, fishing industry representatives, and academic institu-
tions. Priority would be given to projects to reduce bycatch, conserva-
tion engineering projects, projects to identify and protect essential fish habi-
tat or habitat area of particular concern, projects to collect fishery eco-
system information and improve predictive capabilities, and projects to compile social and economic data on fisheries.

Over the years, I have heard much complaint that NMFS does not commu-
nicate effectively with the fishing in-
dustry or the general public. To rem-
case this, my bill would establish a fisheries outreach program within NMFS to heighten public understand-
ing of NMFS research and technol-
y, train Council members on im-
plementation of National Standards 1 and 8 requirements of the Regulatory Flexibility Act, and iden-
tify means of improving quality and re-
porting of fishery-dependent data. New provisions would also require improve-
ment of the transparency of the stock assessment process and methods, and increase access and compatibility of data relied upon in fishery management decisions. I have required the Secretary to periodically review fishery data collection methods, and to establish a Center for Independent Peer Review under which independent experts would be provided for special peer review functions.

Mr. President, I have also included provisions to address one of our biggest problems in fisheries today—too many fishermen chasing too few fish. It is true that many of our fisheries are overcapitalized. A buyout in New Eng-
land several years ago attempted to deal with this problem, and according to Penny Dalton, Assistant Administr-
ator for Fisheries, in a recent USA Today article, the buyout “jump start-
ed recovery in the New England groundfish fishery.” A section of my bill would require the Secretary to evaluate overcapacity in each fishery, and identify measures planned or taken to reduce any such overcapacity. My legislation would amend the Magnuson-Stevens Act to ensure that capacity reduction programs also consider and address latent fishing capacity, and would allow the use of Capital Construction Funds and funds from the Fisheries Finance Program for measures to benefit the conservation and management of fish-
eries such as capacity reduction, as well as for gear and safety improve-
ments.

In 1996, we enacted a new concept in defining, and requiring protection and identification of, essential fish habitat (EFH). While there has been much out-
cry that essential fish habitat has been identified too broadly and that EFH consultation processes have resulted in lengthy delay. Of course, there are real problems resulting from such designations. As a result, I do not feel it is necessary to significantly modify EFH provisions. Instead, I believe we can improve the current work of NMFS and the Councils to identify EFH, and areas that we will have “categorical exclusions of particular concern” (HAPCs). I have added new provisions that would require Councils to protect and identify
HAPCs as part of existing requirements to identify and protect EFH. My bill would clarify that HAPCs are to be identified pursuant to the NMFS EFH guidelines, and that these areas should receive priority identification and protection, as they are often times the areas that fish to fish spawning and recruitment. It is crucial that we improve our understanding of fisheries habitat, and my bill would establish pilot cooperative research projects on fishery and non-fishery impacts to HAPCs.

Finally, Mr. President, I would like to address the issue of individual fishing quotas, which have been the subject of much debate over the past few years. There is a moratorium on these programs in place until September 30, 2000, and we have been skirting consideration of this new management tool for too long. We must begin debate and consideration of the panoply of exclusive quota-based programs that have developed over the past several years, which must include adoption of legislative guidance for these programs. For this reason, the bill suggests a set of national criteria that would permit establishment of exclusive quota based programs, exceptions, my legislation would provide a 7-

Finally any quota-based program would have to plan to rationalize the fishery—which in some cases would require a buyout of excess capacity under section 312(b) of the Act.

Mr. President, I believe this legislation provides the funding, tools, and programs to ensure the important changes made in the 1996 amendments are implemented effectively and improved where necessary. During the last reauthorization, our nation’s fisheries were at a crossroads, and action was needed to modernize our marine resource management problems, to preserve the way of life of our coastal communities, and to promote the sustainable use and conservation of our marine resources. Mr. President, I remain committed to the goal of establishing biologically and economically sustainable fisheries. I believe that fishing will continue to be an important part of the culture of coastal communities as well as the economy of the Nation and Massachusetts.

By Mrs. FEINSTEIN:
S. 2975. A bill to limit the administrative expenses and profits of managed care entities to not more than 15 percent of premium revenues; to the Committee on Finance.

MANAGED CARE HEALTH BENEFITS INTEGRITY ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today, I am introducing the Health Benefits Integrity Act to make sure that managed care organizations and providers have in place systems to ensure that health insurance plans get spent on health care and not on overhead.

Under my bill, managed care plans would be limited to spending 15 percent of their premium revenues on administration. This means that if they spend 15 percent on administration, they would spend 85 percent of premium revenues on health care benefits or services.

This bill was prompted by study by the Inspector General (IG) for the U.S. Department of Health and Human Services reported under a USA Today headline in February, “Medicare HMOs Hit for Lavish Spending.” The IG reviewed 232 managed care plans that contract with Medicare and found that in 1999 the average amount allocated for administration ranged from a high of 32 percent to a low of three percent.

The shift from fee-for-service to managed care as a form of health insurance has been rapid in recent years. Nationally, 86 percent of people who have employment-based health insurance (81.3 million Americans) are in some form of managed care. Around 16 percent of Medicare beneficiaries are in managed care nationally (40 percent in California), a figure that doubled between 1997 and 1999.

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The shift from fee-for-service to managed care as a form of health insurance has been rapid in recent years. Nationally, 86 percent of people who have employment-based health insurance (81.3 million Americans) are in some form of managed care. Around 16 percent of Medicare beneficiaries are in managed care nationally (40 percent in California), a figure that doubled between 1997 and 1999. The number of health plans contracting with Medicare went from 161 to 299. As for Medicaid, in 1993, 4.8 million people (14 percent of Medicaid beneficiaries) were in managed care. Today, 16.6 million (54 percent) are in managed care.

In California, the State which pioneered managed care for the nation, an estimated 88 percent of the insured are in some form of managed care. Of the 3.7 million Californians who are in Medicare, 40 percent (1.4 million) are in
managed care, the highest rate in the U.S. As for Medicaid in California, 2.5 million people (50 percent) of beneficiaries are in managed care. And so managed care is growing and most people think it is here to stay.

I am pleased to say that in California we already have a regulation along the lines of the bill I am proposing. We have in place a regulatory limit of 15 percent on commercial HMO plans’ administrative expenses. This was established in my State for commercial plans because prior to the regulation, some plans had administrative expense as high as 30 percent of premium revenues.

This bill would never begin to address all the problems patients experience with managed care in this country. That is why we also need a strong Patients Bill of Rights bill. I hope, however, this bill will discourage abuses by the HHS General and will help assure people that their health care dollars are spent on health care and are not wasted on outings, parties, and other activities totally unrelated to providing health care services.

I call on my colleagues to join me in enacting this bill.

By Mrs. FEINSTEIN (for herself, Mr. BYRD, and Mrs. BOXER):

S. 2976. A bill to amend title XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children’s health insurance program; to the Committee on Finance.

FAMILY HEALTH INSURANCE PROGRAM ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today, Senators BYRD, BOXER and I are introducing legislation to allow States, at their own expense, to establish programs for the State-children’s Health Insurance Program, known as S–CHIP. This bill could provide insurance to 2.7 million children nationwide and 356,000 parents in California by using unspent allocations States will otherwise lose on September 30, 2000. Congress has appropriated a total of $12.9 billion for S–CHIP for fiscal years 1998, 1999, and 2000, or about $4.3 billion for each fiscal year. California received $564.6 million in 1998 (56 percent in 1998, and 76.5 percent in 2000). Right now California stands to lose $588 million just in fiscal year 1998 funds because California has faced many hurdles in enrolling children. That is in part why we are introducing this bill, to enhance enrollment of more children and to help states use available S–CHIP funds.

S–CHIP is a low-cost health insurance program for low-income children up to age 19 that Congress created in the Balanced Budget Act of 1997. After three years, S–CHIP covers approximately two million children across the country, out of the three to four million children estimated to be eligible.

Congress created it as a way to provide affordable health insurance for uninsured children in families that cannot afford to buy private insurance.

States can choose from three options when designing their S–CHIP program: (1) inclusion of their Medicaid program; (2) creation of a separate State insurance program; or (3) a combination of both approaches. In California, S–CHIP, known as Health Families, is set up as a public-private program rather than a Medicaid expansion. Healthy Families allows California families to use federal and State S–CHIP funds to purchase private managed care insurance for their children. Under the federal law, States generally cover children in families with incomes up to 200 percent of poverty, although States can go higher if their Medicaid eligibility was higher than that when S–CHIP was enacted in 1997. In California, eligibility was raised to 250 percent in November 1999, increasing the number of eligible children by 129,000.

Basic benefits in the California S–CHIP program include inpatient and outpatient hospital services, surgical and medical services, lab and x-ray services, and well-baby and well-child care services. Additional services which States are encouraged to provide, and which California has elected to include, are prescription drugs and mental health, vision, hearing, dental, and preventive care services such as prenatal care and routine physical examinations. In California, enrollees pay a $5.00 co-payment per visit which generally applies to inpatient services, selected outpatient services, and various other health care services.

The United States faces a serious health care crisis that continues to grow as more and more people are becoming uninsured. Despite the robust health of the economy, the U.S. has seen an increase in the uninsured by nearly five million since 1994. Currently, 44 million people (or 18 percent) of the non-elderly population are uninsured. In California, 23.5 percent, or 7.3 million, are uninsured. One study cited in the May 2000 California Journal found that as many as 2,333 Californians lose health insurance every day. A May 29, 2000 San Jose Mercury article cited California’s emergency room doctors who “estimate that anywhere between one and two of their walk-in patients have no health coverage.” This a problem that needs to be addressed now.

The bill we are introducing would allow States to expand S–CHIP coverage to parents whose children are eligible for the program. In my State, that would be families up to 250 percent of the federal poverty level. For the year 2000, the federal poverty level for a family of four is $17,050. In California, with the upper eligibility limit increased to 250 percent of poverty, families of four making up to $42,625 are eligible. This bill could reach approximately 2.7 million parents nationwide and more than 356,000 parents in California. The bill we are introducing retains the current funding formula, State allotments, benefits, eligibility rules, and cost-sharing requirements.

An S–CHIP expansion should be accomplished without allowing S–CHIP coverage for private insurance or other public health insurance that parents might already have. The current S–CHIP law requires that States plans include adequate provisions preventing substitution and my bill retains that. For example, the bill states that an enrollee be uninsured before he or she is eligible for the program.

This bill is important for several reasons. Many State officials say that by covering parents of uninsured children we can actually cover more children. More than 75 percent of uninsured children live with parents who are uninsured. If an entire family is enrolled in a plan and seeing the same group of doctors—in other words, if the care is targeted example, many members of the whole family are more likely be insured and to stay healthy. This is a key reason for this legislation, bringing in more children by targeting the whole family.

Without expansion health insurance in the commercial market can be very expensive. The average annual cost of family coverage in private health plans for 1999 was $5,742, according to the Kaiser Family Foundation. California has some of the lowest-priced health insurance, yet the State ranks fifth in uninsured for 1998-1996. In California, high housing costs, high gas prices, expensive commutes, and a high cost-of-living make it difficult for many California families to buy health insurance. According to the California Institute, the median price of single family home rose 17 percent, to $231,710, from February 1999 to February 2000. The California Housing Affordability Index, which measures the percentage of California residents that are able purchase mid-priced homes, declined 11 percent from 1999 to 2000. With prices like these, many families are unable to afford health insurance even though they work full-time.

Many low-income people work for employers who do not offer health insurance. In fact, forty percent of California small businesses (those employing between three and 50 employers) do not offer health insurance, according to the Kaiser Family Foundation study in June.

We need to give hard-working, lower income American families affordable, comprehensive health insurance, and this bill does that.

The President has proposed to cover parents under the S–CHIP program. The California Medical Association and Alliance of Catholic Health Care support our bill.

Currently, the law requires States to spend federal S–CHIP dollars within three years of the appropriation. Many States, including California, could lose millions of dollars of unspent federal
By Mrs. FEINSTEIN:

S. 2977. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN, Mr. President, I am pleased to introduce a bill today to benefit 17 million citizens of Southern California and visitors from around the country and world through the development of the Western Center for Archaeology and Paleontology. At this center, visitors will be able to marvel at the archaeological and paleontological past of Southern California. This bill would help create an interpretive center and museum around Diamond Valley Lake to highlight the animals and habitat of the Ice Age up to the European settlement period. Additionally, visitors will enjoy unprecedented recreational opportunities through a system of hiking, biking, and equestrian trails wandering through the grasslands, chaparral, and oak groves that surround the reservoir. The total cost of the project is $58 million. The State has agreed to contribute one-quarter to the Metropolitan Water District has agreed to contribute one-quarter, and other local governments will also contribute one-quarter. This bill would authorize the federal government’s share of one-quarter or $14 million.

I urge the Senate to adopt this legislation.

By Mr. DASCHLE (for himself, Mr. BINGMAN, Mr. CONRAD, Mr. BAUCUS, Mr. KERREY, Mr. KOHL, Mr. AKAKA, Mr. JOHNSON, Mr. REID, Mr. KENNEDY, and Mr. DODD):

S. 2978. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities; to the Committee on Indian Affairs.

The Tribal College or University Loan Forgiveness Act.

Mr. DASCHLE, Mr. President, our tribal colleges and universities have come to play a critically important role in educating Native Americans across the country. For more than 30 years, these institutions have proven instrumental in providing a quality education for those who had previously been failed by our mainstream educational system. Before the tribal college movement began, only six or seven out of 100 Native American students attended college. Of those few, only one or two would graduate with a degree. Since these institutions have curricula that is culturally relevant and is often focused on a tribe’s particular philosophy, culture, language and economic needs, they have a high success rate in educating Native American people. As a result, I am happy to say that tribal college enrollment has increased 62 percent over the last six years. The results of a tribal college education are impressive. Recent studies show that 91 percent of 1998 tribal college and university graduates are working or pursuing additional education one year after graduating. Over the last ten years, the unemployment rate of recently polled tribal college graduates was 15 percent, compared to 25 percent on many reservations overall.

While tribal colleges and universities have been highly successful in helping Native Americans obtain a higher education, many challenges remain to ensure that the future success of these institutions. These schools rely heavily on federal resources to provide educational opportunities for all students. As a result, I strongly support efforts to provide additional funding to these colleges through the Interior, Agriculture and Labor, Health and Human Services, and Education Appropriations bills.

In addition to resource constraints, administrators have expressed a particular frustration over the difficulty they experience in attracting qualified individuals to teach at tribal colleges. Geographic isolation and low faculty salaries have made recruitment and retention particularly difficult for many of these schools. This problem is increasing as enrollment rises.

That is why I am introducing the Tribal College or University Loan Forgiveness Act. This legislation will provide loan forgiveness to individuals who commit to teach for up to five years in one of the 32 tribal colleges nationwide. Individuals who have Perkins, Direct, or Guaranteed loans may qualify to receive up to $15,000 in loan forgiveness. This program will provide these schools extra help in attracting qualified teachers, and thus help ensure that deserving students receive a high-quality education.

This measure will benefit individual students and their communities. By providing greater opportunities for Native American students to develop skills and expertise, this bill will spur economic growth and help bring prosperity and self-sufficiency to communities that desperately need it. Native Americans and the tribal college system deserve nothing less. I believe our responsibility was probably best summed up by one of my state’s greatest leaders, Sitting Bull. He once said, “Let us put our minds together and see what life we can make for our children.”

I am pleased that Senators BINGMAN, CONRAD, BAUCUS, KERREY, KOHL, AKAKA, JOHNSON, REID, KENNEDY, and DODD are original cosponsors of this bill, and I look forward to working with my colleagues to pass this important legislation.

I ask unanimous consent that the text of the Tribal Colleges or University Loan Forgiveness Act be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:
SEC. 493C. LOAN REPAYMENT OR CANCELLATION FOR INDIVIDUALS WHO TEACH IN TRIBAL COLLEGES OR UNIVERSITIES.

(a) SHORT TITLE.—This Act may be cited as the "Tribal College or University Teacher Loan Forgiveness Act".

(b) Borrower.—In this section—

(1) ELIGIBLE BORROWER.—The term "eligible borrower" means an individual—

(A) who is a borrower on or after the date of enactment of the Loan Forgiveness Act, who—

(I) has been employed by a Tribal College or University as defined in section 316(b); and

(B) is not in default on any loan made under section 316(a), 316(b), or 316(c) of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) or is a borrower on or after the date of enactment of the Loan Forgiveness Act of 1990 (2 U.S.C. 1087aa et seq.).

(c) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

(d) CONSTRUCTION.—Nothing in this section shall be construed to authorize any refunding of any loan.

(e) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive both a loan forgiveness grant under section 493C of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.) and a loan forgiveness grant under this section.

(f) DEFINITION.—For purposes of this section—

(1) "Teacher" means a full-time teacher at a Tribal College or University as defined in section 316(b).";

and

(E) as a full-time teacher at a tribal College or University as defined in section 316(b); and

(B) is in default on a loan made under part B or D, for the first or second year of such employment; or

(C) 30 percent of such total amount, for the third or fourth year of such employment; or

(i) in subparagraph (H), by striking "or" after the semicolon;

(ii) in subparagraph (I), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

(J) as a full-time teacher at a Tribal College or University as defined in section 316(b);"; and

(3) PERIODS.—In this section—

(A) in paragraph (2) of section 493C(f), in the matter preceding paragraph (C), by striking the period and inserting a semicolon; and

(B) in paragraph (2) of section 493C(f)(1), by striking "or (I)" and inserting "(I), or (J)".

(g) APPLICATION.—The amendments made by this section shall be effective for service performed during calendar year 1999 and succeeding calendar years, notwithstanding the provision of the proviso to the time after which a loan may be prepaid for purposes of subsection (d) of section 316 of the Higher Education Act of 1965 (20 U.S.C. 1087a).

(h) ENACTMENT.—This Act shall be known as the "Tribal College or University Teacher Loan Forgiveness Act".

(i) USE OF FUNDINGS.—The money made available under this Act shall be subject to the provisions of the proviso to the time after which a loan may be prepaid for purposes of subsection (d) of section 316 of the Higher Education Act of 1965 (20 U.S.C. 1087a).

(j) AUTHORITY.—The Secretary may enforce any of the requirements of this Act in such manner as the Secretary deems appropriate.

(k) TECHNICAL AMENDMENTS.—The Technical Amendments Act of 2000 (Public Law 106-179) applies only to the two specific areas of tax law—employment taxes and employee benefits. It does not affect any other law nor does it affect the determination of who is the employer for any other purpose. The bill specifically provides that it creates no inferences with respect to those issues.

(l) REGULATIONS.—In this section, the amendments made by this Act shall be effective for service performed during calendar year 1999 and succeeding calendar years, notwithstanding the provision of the proviso to the time after which a loan may be prepaid for purposes of subsection (d) of section 316 of the Higher Education Act of 1965 (20 U.S.C. 1087a).
under a single employer plan maintained by the CPEO.

While the legislation will allow the CPEO to take responsibility for certain functions, the bill expressly states that it does not override the common law determination of an individual’s employer and that it will not affect the determination of who is a common law employer.

The CPEO is defined as any person who is an employer under other provisions of law (including the characterization of an arrangement as a MEWA under ERISA). Status as a CPEO must be determined on a case-by-case basis. Once a CPEO is determined, it will remain unchanged.

CPEO RELATIONSHIP WITH PARTICULAR WORKERS

After certification, a CPEO will be allowed to take responsibility for employment taxes and to provide employee benefits to “worksites employees.” A worker who performs services at a client’s worksite is a “worksites employee” if the worker and the CPEO are subject to a written service contract that expressly provides that the CPEO will:

1. Assume responsibility for payment of wages to the worker, without regard to the receipt of payment from the client for such services;
2. Assume responsibility for employment taxes with respect to the worker, without regard to the receipt of payment from the client for such services;
3. Assume responsibility for any worker benefits required by the service contract, without regard to the receipt or adequacy of payment from the client for such services;
4. Establish, maintain, and shared responsibility with the client for firing the worker and recruiting and hiring any new worker; and
5. Maintain employee records.

The CPEO can be examined and required to provide information relating to worksite employees. The CPEO can be examined and required to provide information relating to worksite employees for purposes of determining employment status under the CPEO.

The legislation also treats any worksite employees as “per se” leased employees of the client, thus requiring clients to include all worksite employees in plan testing. In accordance with current leased employee rules, the client shall take into account contributions or benefits for more than half of the worksite employees of that client. Consistent with this treatment of worksite employees, the client would be permitted to certify that the employee benefit plan maintained by the CPEO employee benefit plan maintained by the client and compensation paid by the CPEO to worksite employees would be treated as paid by the client for purposes of applying applicable qualification tests.

For example, assume a CPEO maintained a plan covering worksite employees performing services for Corporation X, worksite employees performing services for Corporation Y, and employees of the CPEO who are not worksite employees. Assume that the nondiscrimination tests would be applied separately to the portions of the plan covering workers at Corporation X and Corporation Y, and that CPEO employees who are not worksite employees would be included in testing any other plans maintained by Corporation X or any member of Corporation X’s controlled group. Under this arrangement, the CPEO and worksite employees will be treated as a single group for testing purposes (and will

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be included in applying the nondiscrimination rules to any plans maintained by the CPEO or members of its controlled group).

In applying nondiscrimination rules to plans maintained by other entities within the CPEO's controlled group for workers who are not worksite employees, worksite employees (and law) that applies to a distribution upon

For purposes of testing a particular client's portion of the plan under the rules above, a plan maintained by another entity within the CPEO's controlled group (and law) that applies to a distribution upon

A plan will occur if a nondiscrimination failure

The bill also provides the Secretary with

The net worth requirement is satisfied if

In the alternative, the net worth requirement could be satisfied through a bond (for employment taxes up to the applicable net worth). The IRS would be required to file a bond filed with the Tax Court by a taxpayer or by an insurance bond satisfying similar rules.

Within 60 days after the end of each fiscal quarter, the CPEO will provide the IRS with an examination level attestation from an independent certified public accountant that states that the accountant has found no maver law). The net worth requirement would apply as if the client maintained that portion of the plan. Thus, if the terms of the benefits available to the client's worksite employees (and law) that applies to a distribution upon

In cases where a client relationship terminates with a CPEO that maintains a plan, the CPEO will be able to 'spin off' a new or existing plan maintained by the client (and law) that applies to a distribution upon

a CPEO or CPEO clients into a new plan (or

The effective date of the legislation (e.g., client-by-client nondiscrimination testing) without regard to whether or not such plans might fail the

Mr. THOMAS. Mr. President, I rise to join my colleagues in introducing the "Early Health Care in the 21st Century Act." I am pleased to have worked with my colleagues in crafting this bill that will address the

EMLOYMENT TAX LIABILITY

An entity certified as a CPEO must accept responsibility for employment taxes with respect to wages it pays to worksite employees (and law) that applies to a distribution upon

EMPLOYMENT TAX LIABILITY

An entity certified as a CPEO must accept responsibility for employment taxes with respect to wages it pays to worksite employees (and law) that applies to a distribution upon

There will be complete "crediting" of service for all benefit purposes. The 'break in service' rules for plan vesting will be applied with respect to worksite employees using rules generally based on Code section 413.

The bill also provides the Secretary with

With respect to employment taxes with respect to wages, the client has not made adequate payments to the CPEO for the payment of wages, taxes, and benefits, the CPEO will have primary liability and the client will have secondary liability for employment taxes. In that instance, the IRS will assess and attempt to collect unpaid employment taxes against the CPEO first and may not generally take any action against a client with respect to liability for employment taxes until at least 45 days following the date the IRS mails a notice and demand to the CPEO (in the same manner as transferee liability under section 6901(c)). With respect to employment taxes with respect to wages it pays to worksite employees, the CPEO has liability, the client will be liable to the IRS for taxes, penalties (applicable to client actions or to the time periods after assessment), and interest (with such liability to be reduced by amounts paid to the IRS by the CPEO that are allocable, under rules to be determined by the IRS, to the client).

EFFECTIVE DATE

These provisions will be effective on January 1, 2002. The IRS will be directed to establish the PEO certification program at least 30 days prior to the effective date. The bill directs the IRS to accommodate transfers of assets in existing plans maintained by a CPEO or CPEO clients into a new plan (or

The net worth requirement is satisfied if

$300,000 if the number of worksite employees is 2,500 to 3,999; and

$250,000 if the number of worksite employees is more than 3,999.

For any tax period for which any of these criteria for exclusive liability for employment taxes are not satisfied, or to the extent the client has not made adequate payments to the CPEO for the payment of wages, taxes, and benefits, the CPEO will have primary liability and the client will have secondary liability for employment taxes. In that instance, the IRS will assess and attempt to collect unpaid employment taxes against the CPEO first and may not generally take any action against a client with respect to liability for employment taxes until at least 45 days following the date the IRS mails a notice and demand to the CPEO. For this purpose, the statute of limitations for assessment or collection against the client will not expire until one year after the due date for the attestation. For any purpose to which the IRC section 6901(c) applies, the CPEO's primary liability and the client will have secondary liability for employment taxes. In that instance, the IRS will assess and attempt to collect unpaid employment taxes against the CPEO first and may not generally take any action against a client with respect to liability for employment taxes until at least 45 days following the date the IRS mails a notice and demand to the CPEO. For this purpose, the statute of limitations for assessment or collection against the client will not expire until one year after the due date for the attestation. For any purpose to which the IRC section 6901(c) applies, the CPEO's primary liability and the client will have secondary liability for employment taxes.
needs of rural providers and beneficiaries as we begin the new century.

This legislation establishes a grant and loan program to assist rural providers in acquiring the necessary technologies to improve patient safety and meet the changing requirements of the management requirements. Rural hospitals and other providers do not have the capital needed to purchase these expensive technologies nor the resources to train their staff. This new program will enable the providers to purchase such crucial equipment as patient tracking systems, bar code systems to avoid drug errors and software equipped with artificial intelligence.

Another reason this legislation is so important is because it will bring equity to the Medicare Disproportionate Share Hospital (DSH) program, which has been inherently biased against rural providers since it was implemented in 1986. The premise of this program is to give hospitals that provide a substantial amount of care to income patients additional funding to assist with the higher costs associated with caring for this population.

Mr. President, the current DSH program does almost nothing for rural hospitals. Different eligibility requirements have been established for rural and urban providers. To qualify for the increased payments the DSH program provides, urban hospitals are required to demonstrate that 15 percent of their patient load consists of Medicaid patients and Medicare patients eligible for Supplemental Security Income. However, rural hospitals must meet a higher threshold of 45 percent. Mr. President, there is no justification for this inequity. Our bill will level the playing field by applying the same eligibility threshold currently enjoyed by urban hospitals to all rural hospitals as well. According to the Medicare Payment Advisory Commission, rural hospitals will open the doors to 55 percent of all rural hospitals to benefit from the DSH program—a significant increase over the 15.6 percent of rural hospitals currently participating.

The “Rural Health Care in the 21st Century Act” also addresses other inequities faced by rural providers because federal regulators do not adequately reflect the unique circumstances of delivering health care in rural America. This bill provides rural homes and apartment complexes with a 10 percent bonus payment as they have average per episode costs that are 20 percent higher than urban agencies.

Rural Health Clinics and Critical Access Hospitals are a key component of maintaining a delivery system and emergency services in rural communities. This legislation makes modifications to the Balanced Budget Act to ensure these providers will continue to be an integral part of the rural health care delivery system.

Mr. President, I believe this bill is an important step in ensuring rural providers are treated equally under federal programs. This equalization must be accomplished so we can guarantee that rural Medicare beneficiaries have the same choices and access to services as their urban counterparts.

By Mr. BROWNBACK (for himself, Mr. DASCHEL, Mr. DeWINE, Mr. KERREY, Mr. GRASSLEY, Mr. BYRD, and Mr. LUGAR):

S. 2982. A bill to enhance international conservation, to promote the role of carbon sequestration as a means of slowing the building of greenhouse gases in the atmosphere, and to reward and encourage voluntary, pro-active environmental efforts on the issue of global climate change; to the Committee on Finance.

INTERNATIONAL CARBON SEQUESTRATION INCENTIVE ACT

Mr. BROWNBACK. Mr. President, I rise today to introduce the International Carbon Sequestration Incentive Act, joined by Senators ARS. DASCHEL, DeWINE, KERREY, GRASSLEY and BYRD.

Environmental issues have traditionally been filled with controversy—pitting beneficial environmental measures against hard-working small business owners and their interests. It is unfortunate that the atmosphere surrounding environmental debate is filled with accusations of blame rather than basic problem-solving.

From listening to the public discourse surrounding environmental issues, one would think there is no other choice but to handicap our booming economy in order to have a clean environment, despite the fact that pollution is often, unfortunately, an unavoidable consequence of meeting public needs.

Mr. President, I stand here today to illustrate that there is a better way to deal with important environmental concerns. There is a way to encourage those who are making the worst. There is a way to create environmental incentives and environmental markets, rather than only environmental regulations. There is a way to chip away at environmental challenges, rather than demagoging an “all or nothing” stance.

This bill—the International Carbon Sequestration Incentive Act, takes a pro-active, incentive-driven approach to one of the most difficult environmental issues of our time—global climate change.

Specifically, this bill provides investment tax credits for groups who invest in international carbon sequestration projects—including investments which prevent deforestation, destruction and projects which reforest abandoned natural forest areas. These projects will reduce the amount of carbon dioxide emitted into the air—helping to offset climate change since carbon dioxide is one of the main greenhouse gases.

This bill achieves these environmental benefits by promoting carbon sequestration—the process of converting carbon dioxide in the atmosphere into carbon which is stored in plants, trees and soils.

Under this bill, eligible projects can receive funding at a rate of $2.50 per verified ton of carbon stored or sequestered—up to 50 percent of the total project cost. The minimum life of these projects is 30 years and the Implementing Panel can only approve $200 million in tax credits each year.

Why do this? Carbon dioxide is a greenhouse gas which contributes to global warming. While there is debate over the role in which human activity plays in speeding up the warming process, there is broad consensus that there are increased carbon levels in the atmosphere today.

Until now, the only real approach seriously considered to address climate change was an international treaty which calls for emission limits on carbon dioxide—which would mean limiting more carbon in our cars, your business and your farm. This treaty—the Kyoto treaty, also favored exempting developing nations from emission limits—putting the U.S. economy at a distinct disadvantage. Approaching the issue of climate change in this fashion would be very costly and would not respond to the global nature of this problem.

Instead, my approach encourages offsetting greenhouse gas emissions through improved land management and conservation—and by engaging developing nations rather than cutting them out of the process.

In addition to reducing greenhouse gas emissions, sponsored projects under this bill will also help to preserve the irreplaceable biodiversity that flourishes in the Earth’s tropical rain forests and other sensitive eco-systems. In addition to diverse plant life, these projects will serve as homes to untold numbers of endangered and rare species.

This bill requires investors to work closely with foreign governments, non-governmental organizations and indigenous peoples to find the capital necessary to set aside and protect the last great resources of the planet. Rain forests have been called the lungs of the Earth—helping to filter out pollution and provide sanctuary for numerous pharmaceutical finds which may one day cure many of our human diseases.

This bill rewards the partnership and pro-active vision of companies that want to be part of the solution to climate change. We are lucky in fact that the industrial sector can see the need to address the problem of global warming. Public and private sources are working toward solutions to these problems. The role of carbon sequestration—the process of offsetting pollution is often, unfortunately, an unavoidable consequence of meeting public needs.

As you can see by looking at the photos [DISPLAY FOREST SCENES], Noel Kempff Mercado National Park in Bolivia can see the need to address the problem of global warming. Public and private sources are working toward solutions to these problems. The role of carbon sequestration—the process of offsetting pollution is often, unfortunately, an unavoidable consequence of meeting public needs.

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This park was in direct danger of deforestation. The land would have been cleared and eventually turned into large commercial farming operations. The loss of this park would have led to carbon dioxide emissions of between 25–36 million tons as well as harmed commercial agricultural competition.

Instead, the Bolivian government came together with The Nature Conservancy, American Electric Power and other investors to preserve the park and conduct extensive verification of the carbon in trees and soils of the now protected area.

Companies like American Electric Power, BP Amoco and Pacificorp want to invest in projects like Noel Kempf because they want to promote the role of carbon sequestration as a means to combat climate change. These companies have taken a big step in contributing to the solution—think how much more good they, and other companies, could do if there were incentives to encourage this activity.

In the U.S., we are lucky enough to have programs like the Conservation Reserve Program and federal parks—which help preserve some of the natural resources of this great nation. Unfortunately, developing countries do not have access to the kind of capital it takes to make similar investments in their own countries. It is therefore, a worthy investment in the world environment—since climate change is a global problem, to chip away at this problem by doing what we know helps reduce pollution and greenhouse gases: planting and preserving trees.

This bill is designed to encourage more participation in projects like the Noel Kempf Park. By using limited and very targeted tax credits, we have an opportunity as a nation—to take a leadership role on climate change without crushing our own economy. This bill also furthers the goal of including developing countries in the climate change solution—since climate change is a global problem, we must work together to find solutions.

Mr. President, I do not pretend that this bill will resolve the climate change issue. That is not my intent. Rather, this bill takes the view that we do agree that good can be achieved—we should move forward. It is my hope that this bill will contribute to the solution on climate change and help to re-shape the way we view environmental problems.

By Mr. AKAKA (for himself and Mr. INOuye):

S. 2983. A bill to provide for the return of land to the Government of Guam, and for other purposes; to the Committee on Energy and Natural Resources.

THE GUAM OMNIBUS OPPORTUNITIES ACT

Mr. AKAKA. Mr. President, I rise to introduce the Guam Omnibus Opportunities Act, which seeks to address important issues to the people of Guam dealing with land, economic develop-ment and social issues. On July 25, the House passed similar legislation, H.R. 2462, which was introduced by Congressmen ROBERT UNDERWOOD, the Delegate from Guam. During the 105th Congress, the Senate passed similar provisions as part of S. 210, an omnibus territories bill.

There are several provisions of the Guam Omnibus Opportunities Act. First, Section 2 of the bill provides a process for the Government of Guam to receive lands, including federal lands, for specified public purposes by giving Guam the right of first refusal for declared federal excess lands by the General Services Administration prior to it being made available to any other federal agency. It also provides for a process for the Government of Guam and the U.S. Fish and Wildlife Service to engage in negotiations on the future ownership and management of declared federal excess lands within the Guam National Wildlife Refuge.

Section 3 provides the Government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Under the U.S. Internal Revenue Code, there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam’s tax law “mirrors” the rates established under the U.S. Code, the current withholding tax rates in Guam are 30 percent. It is a common feature in U.S. tax treaties for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term “United States” under these treaties, Guam is not included. This omission has adversely impacted Guam since 75 percent of Guam’s commercial development is funded by foreign investors. As an example, with Japan, the withholding tax rate is 10 percent. This means that while Japanese investors are taxed at a 10 percent withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long-term solution is for U.S. negotiators to include Guam in the definition of the term “United States” for all future tax treaties, the immediate solution is to amend the Organic Act to authorize the Government of Guam to tax foreign investors at the same rates as the fifty states. It is my understanding that all other U.S. territories have remedied this problem in one way or another. Therefore, Guam is the only U.S. jurisdiction in the country that is not extended tax equity for foreign investors.

With an unemployment rate of 15 percent, Guam continues to struggle economically due to the Asian financial crisis. That is why I believe it is vitally important for the federal government to assist Guam in stimulating its economy through sound federal policies and technical assistance. This section would greatly assist the Government of Guam in promoting economic development on the island and would provide long needed tax equity.

Section 4 considers Guam within the U.S. Customs zone in the treatment of betel nuts, which are part of Chamorro tradition and culture. While betel nuts are grown in the United States, the Food and Drug Administration (FDA) has an important alert for betel nuts from foreign countries due to the influx of betel nuts from Asian countries for commercial consumption and the FDA’s contention that the betel nut is “adulterated.” This means an automatic detention of betel nuts by U.S. Customs agents when entering the United States. Although Guam is a U.S. territory, Guam is considered to be outside the U.S. Customs zone. Betel nuts grown in Guam, therefore, are subject to the FDA ban in the same manner as foreign countries. This section narrowly applies to Guam, limits use to personal consumption, and ensures that the FDA ban against foreign countries remains in place.

Section 5 empowers the governors of the territories and the State of Hawaii to report to the Secretary of the Interior on the financial and social impacts of the Compacts of Free Association on their respective jurisdictions and requires that the Secretary forward Administration comments and recommendations on the report to Congress. This is an important issue to the State of Hawaii as the numbers of migrants from the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau continue to grow. The State of Hawaii has spent well over $14 million in public funds in the past year alone, with most of the funds being spent on educational and health care systems.

Under the compact agreements, the Federal government made clear that it would compensate jurisdictions affected, yet the State of Hawaii has not received federal funding to implement these agreements. This section seeks to improve the reporting requirements for Compact Impact Aid to address this situation.

Section 6 establishes a five-member Guam War Claims Review Commission to be appointed by the Secretary of the Interior. The goal of the Commission is to review the facts and circumstances surrounding U.S. restitution to Guam for those who suffered injury during the occupation of Guam by Japan during World War II. Compensable injury includes death, personal injury, or forced labor, forced march, or internment. The Commission would receive the relevant historical facts and determine the eligible claimants, the eligibility requirements, and the total amount necessary for compensation, and report its findings and recommendations for action to Congress within twelve months after the Commission is established.

The 1951 Treaty of Peace between the U.S. and Japan effectively barred
claims by U.S. citizens against Japan. As a consequence, the U.S. inherited these claims, which was acknowledged by Secretary of State John Foster Dulles when the issue was raised during consideration of the treaty before the Committee on Foreign Relations in 1952.

Considerable historical information indicates that the United States intended to remedy the issue of war restitution for the people of Guam. In 1945, the Guam Meritorious Claims Act was enacted which authorized the Navy to adjudicate and settle war claims in Guam for property damage for a period of one year. Claims in excess of $5,000 for personal injury or death were to be forwarded to Congress. Unfortunately, the Act never fulfilled its intended purposes due to the limited time frame for claims and the preoccupation of the local population with recovery from the war, resettlement of their homes, and rebuilding their lives.

On March 25, 1947, the Hopkins Commission, a civilian commission appointed by the Navy Secretary, issued a report that remedied the flaws of the Guam Meritorious Claims Act and recommended that the Act be amended to provide on the spot settlement and payment of all claims, both property and for the death and personal injury.

Despite the recommendations of the Hopkins Commission, the U.S. government failed to remedy the flaws of the Guam Meritorious Act when it enacted the War Claims Act of 1948, legislation which provided compensations for U.S. citizens who were victims of the Japanese war effort during World War II. Guamanians were U.S. nationals at the time of the enactment of the War Claims Act, thereby making them ineligible for compensation. In 1950, with the enactment of the Organic Act of Guam, Guamanians became U.S. citizens.

In 1962, Congress again attempted to address the remaining circumstances of U.S. citizens and nationals that had not received reparations from previous enacted laws. Once again, however, the Guamanians were inadvertently made ineligible because policymakers assumed that the War Claims Act of 1948 included them. Section 6 brings closure to this longstanding issue.

In summary, Mr. President, the Guam Omnibus Opportunities Act will go a long way toward resolving issues that the Federal Government has been working on with the Government of Guam to address economic development and social issues. I look forward to working with my colleagues in the Senate to resolve these issues to assist Guam in achieving greater economic self-sufficiency.

By Mr. CONRAD:

S. 2964. A bill to amend the Internal Revenue Code of 1986 and to provide a refundable caregivers tax credit; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing the Long-Term Caregivers Assistance Act of 2000, a proposal that will provide much needed assistance to individuals with long-term care needs and their caregivers.

Nationally, more than 8 million individuals require some level of assistance with activities of daily living. Over the next 30 years, this number is expected to increase significantly as our nation experiences an unprecedented growth in its elderly population.

We know that for many people leaving their homes to obtain care is not their first choice. The cost of nursing home care can be prohibitive, and such care often takes individuals away from their communities. While federal support for long-term care is primarily spent on nursing home services, many people receive assistance with their long-term care needs in the home from their families, often without the help of public assistance or private insurance.

Nationally, nearly 37 million individuals provide unpaid care to family members of all ages with functional or cognitive impairments. In my state, there are about 61,000 individuals providing informal caregiving services.

Unfortunately, the need for long-term care can cause substantial financial burdens on many individuals and their families. According to a recent study, almost two-thirds of those serving as caregivers suffer financial setbacks—such as those having tens of thousands of dollars in lost wages and other benefits over a caregiver’s lifetime. This is a burden that caregivers and their families should not have to bear alone.

For this reason, I am introducing this proposal to provide a $2,000 tax credit that could be used by individuals with substantial care needs or by their caregivers.

Taxpayers who have long-term care needs, or who care for others with such needs, may not have the same ability to pay taxes as other taxpayers—a reasonable and legitimate concern in a tax system based on the principle of ability-to-pay. Providing a tax credit is an equitable and efficient way of helping caregivers and individuals with long-term care needs meet their formal and informal costs.

I recognize that this tax credit is only a piece of the long-term care puzzle—but I believe it is an important piece. This credit could be used to help pay for prescription drugs or other out-of-pocket expenses. It could be used to pay for some formal home care services. It could also be used to help family members pay some of the expenses they incur in caregiving.

We must act now to address the long-term care needs of our nation. I urge my colleagues to support this important legislation.

By Mr. DURBIN (for himself and Mr. KENNEDY):

S. 2865. A bill to amend the Agricultural Trade Act of 1978 to authorize the Commodity Credit Corporation to re-allocate certain unobligated funds from the export enhancement program to other agricultural trade development programs; to the Committee on Finance.


Mr. DURBIN. Mr. President, if you had happened to be in the Senate Dining Room a few months ago, you might have seen a group of people having lunch and wondered what in the world would gather 36 million George McGovern, Senators Bob Dole and Ted Kennedy, Agriculture Secretary Dan Glickman, Congressmen Jim McGovern and Tony Hall and myself all at one table.

The answer to your question is that we were working together on a bipartisan initiative that could have a positive impact on children around the world and be of great benefit to America’s farmers.

Former Senator and now Ambassador McGovern has advocated an idea to emulate one of the most beneficial programs ever launched on behalf of children in this country—the school lunch program.

He has worked with Senator Dole and others to establish an international school lunch program and President Clinton has jump-started this proposal with his announcement that the United States will provide $500 million in surplus commodities for the initiative.

Today, I am introducing legislation to provide a long-term funding source for international school feeding programs that will allow such programs to expand and reach more kids.

Today there are more than 300 million children throughout the world—more kids than the entire population of the United States—who go through the day hungry and then to bed hungry.

Some 130 million of these kids don’t go to school right now, mainly because their parents need them to stay at home or work to pitch in any way that they can.

In January of this year, I traveled to sub-Saharan Africa, the epicenter of the AIDS crisis, with more than two-thirds of AIDS cases worldwide. There I saw first-hand the horrible impact AIDS is having on that continent. I met a woman in Zambia, Nalongo Nassozzi, who is a 63-year-old widow.

All of her children died from AIDS and she has created an “orphanage” with 16 of her grandchildren now living in her home. People like Mary need our help to keep these kids in school.

Linking education and nutrition is not a new idea. Private voluntary organizations like CARE, Catholic Relief Services, ADRA, World Vision, Save the Children, the Food for the Hungry are already helping kids with education, mother-child nutrition programs and school feeding programs.
These organizations and the World Food Program operate programs in more than 90 countries at this time, but typically can only target the poorest children in the poorest districts of the country. Ambassador McGovern, Senator Dole, myself and others have called for an expanded effort, and as I noted earlier, President Clinton has responded. I applaud the President for the program he announced last Sunday in Okinawa. This initiative is expected to help serve a solid, nutritious meal to nine million children every day they go to school.

Think about it: for only 10 cents a day for each meal, we can feed a hungry child and help that child learn. With what you or I pay for a Big Mac, fries and a soft drink, we could afford to feed two classrooms of kids in Ghana or Nepal.

THE BENEFITS OF SCHOOL FEEDING PROGRAMS

While we need to consider the costs of any additional school feeding program, I think we should also look at the benefits.

Malnourished children find it difficult to concentrate and make poor students. But these school feeding programs help to overcome some of what we have learned spending here at home. They will be a small fraction of what we're feeding effort in perspective: they will not be aware of it and the Department of Agriculture does not have to pay for the school meals and it will help to improve the nutritional status of children.

These benefits ripple in many directions: higher education levels for girls and later marriage for women help slow population growth; greater educational levels overall help spur economic development; and giving needy children a meal at school could also help blunt the terrible impact AIDS is having throughout Africa, where there are more than 10 million AIDS orphans who no longer have parents to feed and care for them.

DOMESTIC BENEFITS

Some will question our involvement in overseas feeding programs, so let me describe what we're doing at home and how we benefit from these efforts.

This year, we're spending more than $20 billion in our food stamp program. More than half of this amount goes to kids. We're also spending over $9 billion for school child nutrition programs, and more than $4 billion for the WIC program. As this sounds like a lot, we need to do more. Many people who are eligible for these programs are not aware of it and the Department of Agriculture must do a better job getting the word out. Still, these figures put the costs of an international school feeding effort in perspective: they will be a small fraction of what we're spending here at home.

Through our international efforts, we share some of what we have learned with less fortunate countries. But we also benefit.

An international school lunch program will provide a much-needed boost to our beleaguered farm economy, where surpluses and low prices have been hurting farmers for the third year in a row. Congress has provided more than $20 billion in emergency aid to farmers over the last three years. Buying farm products from this proposal could boost the market price in the marketplace, helping U.S. farmers and needy kids in the process. It is a common-sense proposal for helping our farmers, and the right thing to do.

Second, education of children leads to economic development, which in turn increases demand for U.S. products in the future. Some of the largest food aid recipients in the 1950s are now our largest commercial customers.

Finally, let's consider the positive foreign policy implications of this measure. It helps fulfill the commitments we made in Rome in 1996 to work to improve world food security and helps satisfy the commitment to net food importing developing countries to spend $1 billion by the end of the conclusion of the Uruguay Round. It also supports the goals of “Education for All” made in April in Dakar to achieve universal access to primary education.

It goes beyond demonstrating our commitment to summit texts and documents and has a real impact on our national security. When people are getting enough to eat, internal instability is less likely. Most of the conflicts talk about the reason for war are related at least in part to food insecurity.

WE CAN'T AND SHOULDN'T DO THIS ALONE

The United States shouldn't go it alone. This needs to be an international effort. If the full costs for this program are shared fairly among developed countries, as we do now for United Nations peacekeeping efforts or humanitarian food aid relief efforts, then our resource commitments will be multiplied many times over. I encourage the Administration to continue its efforts to gain multilateral support for this initiative.

We should also seek the involvement and commitment of America's corporations and philanthropic organizations. Companies can contribute books and school supplies, computer equipment, kitchen equipment, construction supplies and management expertise.

PROPOSED LEGISLATION

The food aid laws we already have in place allocate only a small amount of U.S. food aid to school feeding or child nutrition programs. My legislation would free up those funds to be used to pay for the administrative expenses associated with the program. The measure would require that a minimum of 75 percent of reallotted EEP money be spent on export development programs, and my bill also permits a portion of the funds to be spent on export promotion.

To maintain flexibility while ensuring our food aid goals are addressed, the measure would require that a minimum of 75 percent of reallotted EEP money to school feeding and child nutrition programs. It would allow up to 20 percent of the reallotted funds to be spent on the Market Access Program to promote agricultural exports, and a maximum of 20 percent to be spent on the Foreign Market Development (Cooperator) program.

To ensure new artificial restraints don't block our intention in this legislation, the measure also raises the caps currently in place regarding the quantity of food aid permitted under Food for Progress and the amount that may be used to pay for the administrative expenses associated with the program.

Both the Coalition for Food Aid and Friends of the World Food Program support this measure. And it means that commodity groups such as the American Soybean Association and the National Corn Growers Association also support it.

Mr. President, I urge my colleagues to join me as co-sponsors of this legislation and in support of the broader effort to respond to the nutrition needs of 300 million children, 130 million of whom are not but could and should be in school. With our help, these statistics can change.

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Just Opportunities in Bidding (JOB) Act which is...
necessary to ensure that companies who seek to do business with our government are treated fairly. The JOB Act would prohibit the implementation of proposed regulations which would dramatically amend the Federal Acquisition Regulations.

I have many concerns about these proposed regulations, but I am deeply troubled by the discrimination which it will inevitably foster when implemented. The regulations will de facto amend and unprecedented discretion give government contracting officers, who are not trained in the interpretation of these laws, unfettered discretion to deny contracts to companies based on any alleged violation of any labor and employment, environmental, antitrust, tax, or consumer protection laws over the three years immediately preceding the contract. This is a dramatic change from the current requirements of the Federal Acquisition Regulation which requires that violations of federal agency, which often are based solely upon information provided by outside, interested parties. Moreover, the proposal’s terminology is vague and extremely subjective—placing tremendous discretion in the hands of federal contracting officers. That is discretion that they do not need nor qualified to exercise.

Terms such as “legal compliance” by bidding parties are well-intentioned, I am sure, however, I view this as a trial lawyer’s greatest wish come true. What does “legal compliance” mean? Does it mean that employers must ensure that they are 100 percent in compliance with all of the pertinent laws? Can even the most prudent employers guarantee that their workers are 100 percent in compliance with all federal tax, labor, environmental, and antitrust statutes and regulations? That’s certainly a question which many creative lawyers will undoubtedly rush to answer in courthouses across our nation.

This proposal is in direct contradicition to existing policy which is to fulfill governmental needs for goods and services at a fair and reasonable price to the American people. This proposal would exempt the unlawful from the bidding process and will result in less competition, result in less competition, companies from the bidding process.

I ask consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2986

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 “Just Opportunities in Bidding Act of 2000”.

SEC. 2. REGULATIONS PROHIBITED PENDING REVIEW.

(a) Regulations Not To Have Legal Effect.—The proposed regulations referred to in subsection (c) shall not take effect and may not be enforced.

(b) Limitation on Additional Proposed Regulations.—No proposed or final regulations on the same subject matter as the proposed regulations referred to in subsection (c) may be issued before the date on which the Comptroller General submits to Congress the report required by section 3.

(c) Coverd Regulations.—Subsection (a) applies to the following:

(1) The proposed regulations that were published in the Federal Register, volume 64, number 131, beginning on page 37389, on July 9, 1999.

(2) The proposed regulations that were published in the Federal Register, volume 65, number 127, beginning on page 34080, on June 30, 2000.

SEC. 3. COMPTROLLER GENERAL REVIEW OF CONTRACTOR COMPLIANCE WITH PROPOSED REGULATIONS.

The Comptroller General shall—

(1) conduct a general review of the level of compliance by Federal contractors with the Federal laws that—

(A) are applicable to the contractors; and

(B) affect—

(i) the rights and responsibilities of contractors to participate in contracts of the United States; and

(ii) the administration of such contracts with respect to contractors; and

(2) submit to Congress a report on the findings resulting from the review.

By Mr. ROBERTS (for himself, Mr. GRASSLEY, Mr. JEFFORDS, and Mr. THOMAS):

S. 2987. A bill to amend title XVIII of the Social Security Act to promote access to health care services in rural areas, and for other purposes; to the Committee on Finance.

RURAL HEALTH CARE IN THE 21ST CENTURY ACT

Mr. ROBERTS. Mr. President, I rise today to introduce the Rural Health Care in the 21st Century Act of 2000.

This legislation will improve access to technology necessary to improve rural health care and expand access to quality health care in rural areas.

The future of health care in this country is being challenged by a variety of factors. The most closely associated with managed care, an increasing elderly population and the drive to ensure the solvency of the federal Medicare Trust Fund are just a few of the factors placing pressure on health care facilities and health care providers across the country. Small, rural hospitals that provide services to a relatively low volume of patients are faced with even greater challenges in this environment.

The bill I am introducing today takes critical steps to improve access to high technology in rural areas and establishes a new high technology acquisition grant and loan program to improve patient safety and outcomes. At the same time hospitals need to update equipment, comply with new regulatory requirements and join the effort to reduce medical errors, many hospitals are finding it difficult to access the financial backing necessary to acquire the telecommunications equipment necessary to meet their patients’ needs.

This bill establishes a 5-year grant program through the Office of Rural Health Policy that allows hospitals, health care centers and related organizations to apply for matching grants or loans up to $100,000 to purchase the advanced technologies necessary to improve patient safety and keep pace with the changing records management requirements of the 21st Century.

This bill also increases Disproportionate Share Hospitals payments to rural hospitals. The Medicare DSH adjustment is based on a complex formula and the hospital’s percentage of low-income patients. This percentage of income is different for each hospital, depending on where the hospital is located and the number of beds in the hospital. This bill establishes one formula to distribute payments to hospitals covered by the inpatient PPS. This bill also increases DSH.

Twenty-five percent of our nation’s senior citizens live in rural areas where access to modern health care services is lacking. As technology evolves and federal policy needs to change to reflect this, the health care providers in rural areas are finding it difficult to access the technology necessary to improve access to health care.

This bill allows rural hospitals to apply for grants to purchase the advanced technologies necessary to improve patient safety and outcomes. At the same time hospitals need to update equipment, comply with new regulatory requirements and join the effort to reduce medical errors, many hospitals are finding it difficult to access the financial backing necessary to acquire the telecommunications equipment necessary to meet their patients’ needs.

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eliminated and the codes that can be billed for are expanded to reflect current practice. All rural counties and urban HPSAs are covered by this legislation and demonstration projects are established to access reimbursement for store and forward activities. Also, the bill clarifies that it allows rural health agencies to incorporate telehomecare into their care plans where appropriate.

The Medicare Rural Hospital Flexibility Program established by the Balanced Budget Act of 1997 allows rural hospitals to be reclassified as limited service facilities, known as Critical Access Hospitals. Critical Access Hospitals are important components of the rural health care infrastructure. They are working to provide quality health care services in sparsely populated areas of the country. However, they are restricted by burdensome regulations and inadequate Medicare payments. In addition, they are not eligible for capital requirements. Congress intended to reimburse CAH inpatient and outpatient hospital services on the basis of reasonable costs. This legislation exempts Medicare swing beds in CAHs for the Skilled Nursing Facility (SNF) Prospective Payment System (PPS) and reimburses based on reasonable costs, and provides reasonable cost payment for ambulance services and home health services in CAHs.

In addition, this legislation directs the Secretary of HHS to establish a procedure to ensure that a single FI will provide services to all CAHs and allows CAHs to choose between two options for payment for outpatient services: (1) reasonable costs for facility services, or (2) an all-inclusive rate which combines facility and professional services.

This bill permanently guarantees pre-Balanced Budget Act payment levels for outpatient services provided by rural hospitals with under 100 beds, modifies the 50 bed exemption language and for Rural Health Clinics allows RHCs to qualify as long as their average daily patient census does not exceed 30. Physican-Assisted RHCs that lose their clinic status to maintain Medicare Part B payments, and clarifies that when services already excluded from the PPS system are delivered to Skilled Nursing Facility patients by practitioners employed by the RHCs, those visits are also excluded from the PPS payment system. In addition, this bill increases payments under the Medicare home health PPS for beneficiaries who reside in rural areas by increasing the standardized payment per 60-day episode by 10 percent.

Current law allows states the option to reimburse hospitals for Qualified Medicare Beneficiary (QMB) services attributable to deductibles and coinsurance amounts. However, many state Medicaid programs have chosen not to pay these costs, leaving rural hospitals with a significant portion of unpaid bad debt expenses. This is especially burdensome since federal law prohibits hospitals from seeking payment for the cost-sharing amounts from QMB patients. This legislation provides additional relief to rural hospitals by restoring 100% Medicare bad debt reimbursement for QMBs.

Although, as a general rule, scholarships are excluded from income, the Internal Revenue Service has taken the position that National Health Service Corps (NHSC) scholarships are included in income. Imposing taxes on the scholarships could have disastrous effects on a program that for over 20 years has helped funnel doctors, nurse-practitioners, physician assistants, and other health professionals into medically underserved areas. This provision excludes from gross income of certain scholarships any amounts received under the National Health Service Corps Scholarship Program.

Finally, this bill includes important technical corrections to the Balanced Budget Refinement Act of 1999. This bill extends the option to rebase target amounts to all Sole Community Hospitals and allows Critical Access Hospitals to receive reimbursement for lab services on a reasonable cost basis.

Exciting changes are taking place in rural America. This legislation will enable small rural hospitals to take advantage of the latest technology and improve health care for rural residents across the country. Mr. President, I invite my colleagues to join me in support of this endeavor. I am unanimous that a copy of the bill appear in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2867

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

SECTION 1. SHORT TITLE. TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Health Care in the 21st Century Act of 2000"

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

Sec. 1. Short title; table of contents.

Title I—High Technology

Title II—Improvements in the Disproportionate Share Hospital (DSH) Program

Title III—Improvements in the Critical Access Hospital (CAH) Program

Sec. 303. Treatment of ambulance services furnished by certain critical access hospitals.

Sec. 304. Treatment of home health services furnished by certain critical access hospitals.

Sec. 305. Designation of a single fiscal intermediary for all critical access hospitals.

Sec. 306. Establishment of an all-inclusive payment option for outpatient critical access hospital services.

Title IV—Outpatient Services Furnished by Rural Providers

Sec. 401. Permanent guarantee of pre-BBA payment levels for outpatient services furnished by rural hospitals.

Sec. 402. Provider-based rural health clinic cap exemption.

Sec. 403. Payment for certain physician assistant services.

Sec. 404. Exclusion of rural health clinic services from the PPS for skilled nursing facilities.

Sec. 405. Bonus payments for rural home health agencies.

Title V—Telehealth

Sec. 501. Restoration of full payment for bad debts of qualified medicare beneficiaries.

Title VI—National Health Service Corps Scholarship Program

Sec. 601. Exclusion of certain amounts received under the National Health Service Corps scholarship program.

Title VII—Technical Corrections to Balanced Budget Refinement Act of 1999

Sec. 701. Extension of option to use rebased target amounts to all sole community hospitals.

Sec. 702. Payments to critical access hospitals for clinical diagnostic laboratory tests.

Title I—High Technology

Sec. 101. High Technology Acquisition Grant and Loan Program.

(a) Establishment of Program.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq) is amended by inserting after section 330D the following:

"Sec. 330E. HIGH TECHNOLOGY ACQUISITION GRANT AND LOAN PROGRAM."

"(a) Establishment of Program.—The Secretary, acting through the Director of the Office of Rural Health Policy (of the Health Resources and Services Administration), shall establish a High Technology Acquisition Grant and Loan Program for the purpose of—"

(1) improving the quality of health care in rural areas through the acquisition of advanced medical technology;

(2) fostering the development of the networks described in subsection (b); and

(3) promoting resource sharing between urban and rural facilities; and

(4) improving patient safety and outcomes through the acquisition of high technology, including software, information services, and staff training.

(b) Grants and Loans.—Under the program established under subsection (a), the Secretary, acting through the Director of the Office of Rural Health Policy, may award grants and make loans to any eligible entity (as defined in subsection (d)(1)) for any costs incurred by the eligible entity in acquiring eligible equipment and services (as defined in subsection (d)(2)).

(1) In General.—Subject to paragraph (2), the total amount of grants and loans made
under this section to an eligible entity may not exceed $100,000.

(a) GRANTS.—The amount of any grant awarded under this section may not exceed 70 percent of the costs to the eligible entity in acquiring eligible equipment and services.

(b) LOANS.—The amount of any loan made under this section may not exceed 70 percent of the costs to the eligible entity in acquiring eligible equipment and services.

(3) PRACTITIONER DEFINED.—For purposes of paragraph (1), the term ‘practitioner’ includes—

(A) a physician or a practitioner, a critical access hospital, a rural health clinic, and a Federally qualified health center.

(B) an area that is designated as a health professional shortage area under section 338(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)).

(C) a clinic that is a health center described in subclause (I), a hospital, a renal dialysis facility, a critical access hospital, a rural health clinic, and a Federally qualified health center.

(D) a telecommunication system.

(4) USE OF STORE-AND-FORWARD TECHNOLOGIES.—In section 4206(b)(1) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (b), is amended—

(C) the term ‘telemedicine demonstration project’ includes a demonstration project in Alaska or Hawaii;

(G) the term ‘telemedicine’ includes teleatha services furnished in connection with such item or service.

(2) APPLICATION OF PART B COINSURANCE AND Deductible.—Any payment made under this subsection shall be subject to the coinsurance and deductible requirements under subsections (a)(1) and (b) of section 1833 of the Social Security Act (42 U.S.C. 1395 et seq.), as amended by subsection (c), is amended—

(A) in section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(b) in section 4206(b)(1) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(2) CVERAGE OF ITEMS AND SERVICES.—Payment for items and services provided pursuant to subsection (a) shall include any additional costs to the eligible entity in acquiring eligible equipment and services.

(3) PRACTITIONER DEFINED.—For purposes of paragraph (1), the term ‘practitioner’ includes—

(A) a practitioner described in section 1842(b)(13)(C) of the Social Security Act (42 U.S.C. 1395l(c)(13)(C)).

(B) a medical, dental, or other health care professional.

(C) a Medicare beneficiary who is not enrolled in a Medicare plan and is not covered by Medicare.

(D) a telecommunication system.

(4) USE OF STORE-AND-FORWARD TECHNOLOGIES.—For purposes of paragraph (1), in the case of any Federal telemedicine demonstration project established under section 1833 of the Social Security Act (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(A) the term ‘telecommunications system’ includes store-and-forward technologies that provide for the asynchronous transmission of health care information in single or multimedia formats.

(B) limitation.—The Secretary shall not consider a home health service provided in the manner described in subsection (a) to be a home health service for purposes of—

(i) the determination of the amount of payment to be made under the prospective payment system established under section 1861 of the Social Security Act (42 U.S.C. 1395f); or

(ii) any requirement relating to the certification of a patient who is a participant in the program under section 4206(a)(2)(C) of such Act (42 U.S.C. 1395f(a)(2)(C)).

(c) CONSTRUCTION RELATING TO HOME HEALTH SERVICES.—Section 4206(a)(1) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(B) the term ‘telecommunications system’ includes teleatha services furnished in connection with such item or service.

(6) CONSTRUCTION RELATING TO HOME HEALTH SERVICES.—In section 4206(b)(1) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(A) in subparagraph (A) the term ‘telemedicine’ includes teleath services furnished in connection with such item or service.

(B) in paragraphs (2) and (3) of section 4206(b)(1) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(2) CVERAGE OF ITEMS AND SERVICES.—Payment for items and services provided pursuant to subsection (a) shall include any additional costs to the eligible entity in acquiring eligible equipment and services.

(3) PRACTITIONER DEFINED.—For purposes of paragraph (1), the term ‘practitioner’ includes—

(A) a practitioner described in section 1842(b)(13)(C) of the Social Security Act (42 U.S.C. 1395l(c)(13)(C)).

(B) a medical, dental, or other health care professional.

(C) a Medicare beneficiary who is not enrolled in a Medicare plan and is not covered by Medicare.

(D) a telecommunication system.
(1) for which funds were expended before the date of enactment of the Balanced Budget Act of 1997 (Public Law 105–133; 111 Stat. 251); and
(2) that is ongoing as of the date of enactment of this Act.

TITLE II—IMPROVEMENTS IN THE DISPROPORTIONATE SHARE HOSPITAL (DSH) PROGRAM

SEC. 201. DISPROPORTIONATE SHARE HOSPITAL ADJUSTMENT FOR RURAL HOSPITALS.

(a) APPLICATION OF UNIFORM 15 PERCENT THRESHOLD.—Section 1896(d)(5)(F)(v) of the Social Security Act (42 U.S.C. 1395w(d)(5)(F)(v)) is amended by striking “exceeds”— and all that follows and inserting “equals”.

(b) CHANGE IN PAYMENT PERCENTAGE FORMULAS.—Section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395w(d)(5)(F)) is amended—

(1) in clause (iv), by striking “and” and all that follows and inserting “is equal to”;

(2) in clause (vii), by striking “clause (iv)” and inserting “clause (vii)”; and

(3) by striking clause (viii) and inserting the following new clause:

“(viii) No hospital described in clause (iv) may be paid an amount under this section that is less than the payment amount that would have been made under this section if the amendments made by section 201 of the Rural Health Care in the 21st Century Act of 2000 had not been enacted.”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to discharges occurring on or after October 1, 2000.

TITLE III—IMPROVEMENTS IN THE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM

SEC. 301. TREATMENT OF SWING-BED SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.

(a) EXEMPTION FROM SNF PPS.—Section 1886(v)(7) of the Social Security Act (42 U.S.C. 1395v(y)(7)) is amended—

(1) in the heading, by striking “TRANSITION FOR” and inserting “TREATMENT OF”;

(2) in subparagraph (A), by striking “IN GENERAL.—” and inserting “Except as provided in subparagraph (C), the”;

(3) in subparagraph (B), by striking “, for which” and all that follows before the period at the end and inserting “other than critical access hospitals”;

and

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

“(C) CRITICAL ACCESS HOSPITALS.—In the case of facilities described in subparagraph (B) that are critical access hospitals—

“(i) the prospective payment system established under this subsection shall not apply to services furnished pursuant to an agreement described in section 1886; and

“(ii) such services shall be paid on the basis specified in subsection (a)(3) of such section.”.

(b) PAYMENT BASIS FOR SWING-BED SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.—Section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended—

(1) in the heading, by striking “interim” and inserting “all-inclusive”;

(2) in paragraph (2), by striking “the” and inserting “a critical access hospital the amount of payment for”;

and

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

“(d) ALL-INCLUSIVE RATE.—If a critical access hospital elects this paragraph to apply, with respect to both inpatient and professional services, there shall be paid amounts equal to the reasonable costs of the critical access hospital in providing such services (except that amounts necessary to pay for clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services), less the amount that such hospital may charge as described in section 1861(a)(3).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after October 1, 1999.

SEC. 302. TREATMENT OF AMBULANCE SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS.

(a) EXEMPTION FROM AMBULANCE FEE SCHEDULE.—

(1) IN GENERAL.—Section 1834(l)(8) of the Social Security Act (42 U.S.C. 1395l(l)(8)) is amended by adding at the end the following new paragraph:

“(g) APPLICABILITY TO FEES SCHEDULE FOR CERTAIN SERVICES.—In the case of ambulance services furnished by a critical access hospital (as defined in section 1861(k)) and ambulance services furnished by a critical access hospital electing to apply clause (iv) of section 1861(k), the amount paid shall be 80 percent of the lesser of the actual charge for the services or the amount determined under such section.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after October 1, 1999.
1395l(f)) preceding paragraph (1) is amended by adding at the end the following new paragraph:

(1) IN GENERAL.—Section 1895(b)(6)(C) of the Social Security Act (42 U.S.C. 1395fff(b)) is amended by striking "(including clinical diagnostic laboratory services furnished by a critical access hospital)", and inserting "(including clinical diagnostic laboratory services furnished by a critical access hospital)".

SEC. 501. RESTORATION OF FULL PAYMENT FOR BAD DEBTS OF QUALIFIED MEDICARE BENEFICIARIES.

(a) MEDICARE BENEFICIARY RISK. —Section 1861(v)(1)(T) of the Social Security Act (42 U.S.C. 1395zz(k)(1)(T)) is amended by striking "is uncollectible from the beneficiary because of clause (1) and that is not paid by any other individual or entity shall be deemed to be bad debt for purposes of title XVIII; and"

(b) RECOGNITION WITH CERTIFIED NURSE ANESTHETISTS, NURSE PRACTITIONERS, AND CRITICAL ACCESS HOSPITALS. —Section 1895u(b)(6)(C) of the Social Security Act (42 U.S.C. 1395u(b)(6)(C)) is amended by striking "(including clinical diagnostic laboratory services furnished by a critical access hospital)" after "such services provided before January 1, 2003;"

(c) RECOGNITION WITH CERTIFIED NURSE ANESTHETISTS, NURSE PRACTITIONERS, AND CRITICAL ACCESS HOSPITALS. —Section 1895u(b)(6)(C) of the Social Security Act (42 U.S.C. 1395u(b)(6)(C)) is amended by striking "the amount otherwise determined under this subsection (d)(5)(D)(i)" after "amount otherwise made under this section (d)(5)(D)(i)" and inserting "amount otherwise applicable to the hospital under subparagraph (C) and that is uncollectible from the beneficiary (as defined in section 1902(n)(3)(B)(ii), no hospital."

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 502. AMENDMENTS TO THE PSDC.

(a) PAYMENT ON COST BASIS WITHOUT BENE-

(b) AMENDEMENTS TO THE PSDC.

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(a) PAYMENT ON COST BASIS WITHOUT BENE-

(b) AMENDEMENTS TO THE PSDC.
By Mr. FRIST (for himself, Mr. BREAX, Mr. BOND, and Mr. HOLLINS).

S. 2988. A bill to establish a National Commission on Space; to the Committee on Commerce, Science, and Transportation.

MILLENNIUM NATIONAL COMMISSION ON SPACE

Mr. FRIST. Mr. President, I rise to introduce the Millennium National Commission on Space Act.

The year 1999 proved to be very difficult for NASA. The Commerce Committee reviewed reports on such incidents as:

- Workers searching for misplaced Space Station tanks in a landfill;
- Loose pins in the Shuttle's main engine;
- Failure to make English-metric conversions causing the failure of a $125 million mission to Mars; and
- $1 billion of cost overruns on the prime contract for the Space Station with calls from the Inspector General at NASA for improvement in the agency's oversight.

Workers damaging the main antennae on the Shuttle for communication between mission control and the orbiting Shuttle;

Urgent repair mission to the Hubble telescope;

Approximately $1 billion invested in an experimental vehicle and currently no firm plans for its first flight, if it flies at all; and

The lack of long-term planning for the Space Station, an issue on which the Commerce, Technology, and Space Subcommittee of the Commerce Committee has repeatedly questioned NASA.

It is the last of these items, the lack of long-term planning for the Space Station and the lack of long-term planning of NASA and the civilian space program, that is of a concern to me. I feel that the civilian space program is in need of some guidance. Just as the space policy of the 1980's had changed since the creation of NASA in 1958, the space policy of the New Millennium needs to change from the 1980's. Space has become more commercialized. Today, the private sector conducts more space launches than the government. There are many more companies developing plans to implement other new and innovative commercial ventures.

I feel that the long term civilian space goals and objectives of the nation are in need of some major revisions. As I mentioned earlier, today's environment has changed drastically since the last commission of this type was assembled.

This bill proposes a Presidential Commission to address these points.

The commission will do the "homework" that will form the basis for a revised civilian space program. The civilian space industry has proven to be a valuable national asset over the years. The goal of this bill will be to ensure that the country maintains its pre-eminence in space.

This commission will consist of 15 Members appointed by the President based upon the recommendations of Congressional leadership. My hope is that today's new environment will be reflected in the make-up of the commission's members. For that reason, the bill sets limits on how many members will be from the government and how many should serve on their first federal commission. Ex-officio members of the commission are also specified in the bill. Advisory members from the Senate and the House of Representatives are to be appointed to the commission by the President of the Senate and the Speaker of the House of Representatives.

The final report of the commission is to identify the long range goals, opportunities, and policy options for the U.S. civilian space activity for the next 20 years.

As Chairman of the Science, Technology, and Space Subcommittee of the Commerce Committee, I will continue our oversight responsibilities at NASA. I look forward to working with other Members of this body to further perfect this bill.

Mr. President, I thank you for this opportunity to introduce this legislation which addresses these very important issues for the space community.

Mr. BREAX. Mr. President, as the Ranking Democratic Member of the Commerce Committee's Science, Technology, and Space Subcommittee, I am joining my Chairman, Senator Frister, in introducing legislation to establish a National Space Commission.

If past experience holds true, NASA will be a catalyst for scientific discovery in the 21st century. NASA has worked on a variety of valuable projects from finding a value for the Hubble Constant which measures how fast the universe is expanding to docking with the International Space Station for the very first time. Earlier this week, NASA and the Russian Space Agency completed the docking of the Service Module to the International Space Station, setting the stage for the first permanent crew to occupy the space station.

Now, our space exploration agency is poised at a crossroads. After several failures, management has made some changes and reinvested in the work force and in project oversight. During the current budget year, NASA will try to meet a very aggressive schedule for the assembly of the Space Station, and we will finally have our orbiting laboratory in space. At the same time, a new Administration will be entering the White House. It seems to be an appropriate time to determine which stations are causing such interference and what the low-power station must do to alleviate it.
as the expert agency with the experience and engineering resources required to make such determinations.

The Act gives full-power broadcasters the right to file a complaint with the Commission against any low-power FM licensee for causing harmful interference, and stipulates that the costs of the proceeding shall be borne by the losing party. Finally, to make sure that the FCC does not relegate the interests of full-power radio broadcasters to secondary importance in its eagerness to launch the new low-power FM service, the bill requires the FCC to complete all rulemakings necessary to implement full-power stations’ transition to digital broadcasting no later than June 1, 2001.

Mr. President, this legislation strikes a fair balance by allowing non-interfering low-power FM stations to operate without further delay, while affecting only those low-power stations that the FCC finds to be causing harmful interference. This is totally consistent with the fact that low-power FM is a secondary service which, by law, must cure any interference caused to any primary, full-power service. This legislation provides an efficient and effective means to detect and resolve harmful interference. By providing a procedural remedy with costs assigned to the losing party, the bill will discourage the creation of low-power stations that cause harmful interference even as it discourages full-power broadcasters from making unwarranted interference claims. And for these reasons it will provide a more definitive resolution of opposing interference claims than any number of further studies ever could.

Mr. President, in the interests of would-be new broadcasters, existing broadcasters, but, most of all, the listening public, I urge the enactment of the Low Power Radio Act of 2000.

Mr. KERRY. Mr. President, I am pleased to introduce today the Low Power Radio Act of 2000 with Senator MCCAIN. Low power FM radio is an effort to bring more diversity to the airwaves. Though radio airwaves belong to the public, only a handful of people currently control what we hear on-air. Low power FM will expand that number by thousands, giving a voice to local governments, community groups, churches, and schools.

I understand that there is some concern that these new low-power signals will interfere with existing full-power stations. I believe these fears are greatly exaggerated. The Federal Communications Commission (FCC) has conducted extensive testing to ensure that these new stations will not cause interference.

Harmful interference occurs, however, I believe that full-power stations must have a process for alleviating the problem. The Low Power Radio Act allows any broadcaster or listener to file a formal complaint with the FCC. If the FCC determines that a low-power station is causing harmful interference, the low power station will be removed from the airwaves while a technical remedy is found. To discourage frivolous complaints, however, the FCC is authorized to recover from a party who files a complaint without any purpose other than to impede a low-power radio transmission. This initiative is a reasonable and sensible consideration of testing and public comment. Delaying implementation will only result in more conflicting engineering studies without guaranteeing that interference will not occur. I believe that it is time to let low power FM go forward.

The Low Power Radio Act gives the FCC the authority to resolve harmful interference complaints on a case-by-case, common sense basis. It is a compromise that can work to the benefit of existing broadcasters, potential low-power licensees, and all radio listeners.

By Mr. KERRY (for himself and Mr. FEINGOLD):

S. 2990. A bill to amend chapter 42 of title 28, United States Code, to establish the Judicial Education Fund for the payment of reasonable expenses of judges participating in seminars, to prohibit the acceptance of gifts, and for other purposes; to the Committee on the Judiciary.

The JUDICIAL EDUCATION REFORM ACT OF 2000

Mr. KERRY. Mr. President, I send to the desk a bill for introduction. The bill is entitled the Judicial Education Reform Act of 2000. Mr. FEINGOLD is cosponsoring the legislation.

Mr. President, as the arbiters of justice in our democracy, judges must be honest and fair in their duties. As importantly, if the rule of law is to have force in society, citizens must have faith that judges approach their duties honestly and fairly, and that their decisions are based solely on the law and the facts of each case. Even if every judge were uncorrupted and incorruptible, their honesty would mean nothing if the public loses confidence in them. Court rulings are effectively only if the public believes that they have been arrived at through impartial decision-making. The judiciary must avoid the appearance of conflict as fastidiously as it avoids conflict.

Recent press coverage and an investigation by the public interest law firm Community Rights Counsel have revealed that more than 230 federal judges have taken more than 500 trips to resort locations for legal seminars paid for by corporations, foundations, and individuals between 1192 and 1998. Many of these sponsors have one-sided legal agendas in the courts designed to advance the sponsors’ interests at the expense of the public interest. In many cases, judges accepted seminar trips while relevant cases were pending before their court. In some cases, judges ruled in favor of a litigant bankrolled by a seminar sponsor. And in one case a judge ruled one way, attended a seminar and returned to switch his vote to agree with the legal views expressed by the sponsor of the trip.

The notion that federal judges are accepting all-expense-paid trips that combine highly political legal theory with stays at resort locations from persons with interests before their courts is an appearance of conflict that is unacceptable and unnecessary. At a minimum, it creates a perception of improper influence that erodes the trust the American people must have in our judicial system.

Fortunately, the problems posed by improper judicial junkets can be remedied and the appearance of judicial impartiality restored. The Judicial Education Reform Act will seek to close the loophole that allows for privately-funded seminars by requiring federal judges to live by the same rules that now govern federal prosecutors. The proposal is modeled after the successful Federal Judicial Center’s Education Reform Act will seek to close the loophole that allows for privately-funded seminars by requiring federal judges to live by the same rules that now govern federal prosecutors. The proposal is modeled after the successful Federal Judicial Center’s

The Low Power Radio Act of 2000 with Senator MCCAIN would ensure that legal educational seminars for judges serve to educate, not improperly influence. It will ensure that these seminars improve our judiciary through better-trained and better-informed judges, not undermine it by eroding public confidence in judicial neutrality.

Specifically, the legislation bans privately-funded seminars by prohibiting judges from accepting seminars as gifts, providing appropriate exceptions, such as where a judge is a speaker, presenter or panel participant in such a seminar. The proposal establishes a Judicial Education Fund of $2 million within the U.S. Treasury for the payment of expenses incurred by judges attending seminars approved by the Board of the Federal Judicial Center. It requires the Judicial Conference to promulgate guidelines to ensure that Board approve those seminars that are conducted in a manner that will maintain the public’s confidence the judiciary. Finally, the proposal requires that the Board approve a seminar only after information on its content, presenters, funding and litigation activities of sponsors and presenters are provided. If approved, information on the seminar must be posted on the Internet.

Mr. President, in introducing this legislation, I am not charging the federal judiciary or any single judge with improper behavior. I do not question the integrity of judges, rather I question a system that creates the clear appearance of conflict. I understand the need for education. Our economy has mainstreamed once exotic technologies in communication, medicine and other fields, and it is important that judges have access to experts to keep current on technological advances. And I recognize the need for judges to be exposed to diverse legal views and to test current legal views. The Judicial Education Reform Act legislation provides
$2 million for precisely that purpose. No judge will be without access to continuing education. But, that education will not be funded by private entities with broad legal agendas before the federal courts, or, as has happened in some of the most unfortunate cases, private entities with conflicts pending before participating judges.

Finally, Mr. President, I ask unanimous consent to place in the record a statement from the Honorable Abner J. Mikva on this subject. Mr. Mikva is a former Chief Judge on the United States Court of Appeals for the D.C. Circuit and a current Visiting Professor of Law at the University of Chicago. His statement captures this the essence this issue and need for reform.

There being no objection, the material ordered to be printed in the RECORD, as follows:

STATEMENT OF ABNER J. MIKVA

The notion that judges must be honest for the system to work is hardly a profound statement. As early as the Declaration of Independence, our founders complained about judges who were outrageous to King George, rather than the cause of justice. But a pure heart is not all that judges must bring to the task. For the system to work as it should, the judges must be perceived to be honest, to be without bias, to have no tilt in the cause that is being heard.

That perception of integrity is much more difficult to obtain. After spending 15 years as a judge and a lifetime as a lawyer and law-maker, I can safely say that the number of judges who were guilty of outright dishonesty—malum in se—were happily very few. Even taking into account that I started practicing law in Chicago in the bad old days, the number of crooked judges was small. But that is not what people believe—then or now.

The framers and attenders to our judicial system have taken many steps to help foster the notion of the integrity of its judges. Some relate to smoke and mirrors—the high benches, the ‘all rise’ that occurs when the judge enters the room. Some, like life tenure for federal judges, the codes of conduct promulgated for all judges, are intended to create the climate for integrity and good behavior. (The Constitution limits the life tenure of federal judges to their ‘good behavior’).

All of these steps become meaningless when private interests are allowed to wine and dine judges at fancy resorts under the pretext of educating them about complex issues. If an actual party to a case took the judge to a resort, all expenses paid, shortly before the case was heard, it would not matter what they talked about. Even if all they talked about were their professional problems, the judge and the party would be perceived to be acting improperly. The conduct is no less reprehensible when an interest group invites an actual party to the case and the format for discussion is seminars on environmental policy, or law and economics, or the ‘taking clause’ of the Constitution.

That’s what this report is about. It is about the perception of dishonesty that arises when judges attend seminars and study sessions sponsored by corporations and foundations with a special interest in the interpretation given to environmental laws. It may be a coincidence that the judges who attend these meetings sometimes come down hard on the very issues of importance questions as the funders who finance these meetings. It may even be a coincidence that very few environmentalists are invited to address the judges in the bucolic surroundings where the seminars are held. But I doubt it. More importantly, any citizen who reads about judges at seminars and the fact that judges might be profiting from such questionable sponsorship, will doubt it even more.

The federal judiciary has a very effective Federal Judicial Center. It already provides many of the educational services that these special interest groups seek to provide to judges. Admittedly, the FJC is using taxpayer funds and must answer to Congress, the locals of their programs are not as exotic, (The last ones I attended were in South Carolina and D.C. in December.) The purpose of Center sponsored programs is as vanilla as it claims: there is no agenda to get the judges to per- form in any particular way in pending envi- ronmental cases. As a result, the programs are not only balanced as to presentation, but they provide no tilt to the judges’ subse- quent performance.

Unfortunately, the U.S. Judicial Con- ference, the governing body for all federal judges, has ponted on the propriety of judges attending seminars funded by special inter- est groups. It advised judges to consider the propriety of such seminars on a ‘case by case’ basis. The report that went to stem the erosion of public confidence in the fairness of the judicial process when it comes to environmental cases. One of the recommendations specifies a ‘Desk Reference for Federal Judges’ which it distributes to all its judge attendees. That must be a real confidence builder for an environmental group that sees its on the desk of a judge sitting on its case. One of the judges on the court on which I sit has attended some 12 trips sponsored by the three largest interest semi- nar groups. I remember at least two occasions where co-panelist judges took positions that they had heard advocated at seminars sponsored by groups with more than passing interest in the litigation under consider- ation.

When I was in the executive branch, all senior officials operated under a very pro- phylactic rule. Whenever we were invited to attend or speak at a private gathering, the government could not be reimbursed for the expense of recreational activities at the place the seminar is held. But I doubt it even more.

The Federal Judicial Center can’t pro- vide sufficient judicial education to the task, maybe the federal judges could use such a prophylactic rule. If judges want to go traveling, let the government pay for the trip. It may or may not change the places they go or the things they learn, but it will at least change the perception of that judge.

Mr. FEINGOLD. Mr. President, at the very foundation of our system of jus- tice is the notion that judges will be fair and impartial. Strict ethical guide- lines have been in effect for years to re- move even the hint of impropriety from judicial decisions. Judges must trust with the responsibility of adjudicating disputes and applying the law.

In recent years, there have been dis- turbing reports of judges participating in legal education seminars sponsored and paid for by organizations that al- simulately fund federal court litiga- tion on the same topics that are cov- ered by the seminars. Some of these seminars have a clearly biased agenda in favor of certain legal philosophy. A recent report released by Community Rights Counsel found that at least 1,030 federal judges took over 5,800 privately funded trips between 1992 and 1998. The appearance created by these seminars is one of impartiality. Some of these seminars are conducted at posh vacation resorts in locations such as Amelia Island, Florida and Hilton Head, South Carolina, and include ample time for expense-paid recreation. These kinds of education/vacation trips, which have been valued at over $7,000 in some cases, create a appearance that the judges who attend are profiting from their positions. Again, this appears that is at odds with the traditions of our judici- ary.

One-sided seminars given in wealthy resorts funded by wealthy corporate inter- ests to ‘educate’ our judges in a manner of their choosing, will help, but undermine public confidence in the decisions that judges who attend the seminars ultimately make. I am pleased, therefore, to join with my col- league from Massachusetts, Senator KERRY, to introduce the Judicial Edu- cation Reform Act of 2000. Our bill in- structs the judicial conference to issue guidelines prohibiting judges from at- tending privately funded education seminars. The bill also authorizes $2 million per year over five years so that the Federal Judicial Center, FJC, can reimburse judges for seminars they wish to attend, as long as those seminars are approved by the FJC under guidelines that will ensure that the seminars are balanced and will main- tain public confidence in the judiciary. And the bill makes clear that the FJC cannot reimburse judges for the ex- pense of recreational activities at the seminars.

Mr. President, I have expressed con- cern throughout my time in the Con- gress about the improper influence of campaign contributions and gifts on members of Congress and the executive branch. Community Rights Counsel’s report has turned the spotlight on the judicial branch and what it reveals is not at all comforting. The influence of powerful interests on judicial decision-making through these education seminars should concern everyone who believes in the rule of law in this country. If judges are seen to be under the influence of the wealthy and powerful in our society, ‘equal justice under law’ will become an empty platitude rather than a powerful aspiration for the greatest judicial system on earth. I believe this bill will help fulfill the promise of that great aspiration, and I hope my colleagues will join Senator KERRY and me in supporting it.

I yield the floor.

By Mr. LEAHY (for himself and Mr. KOHL):

S. 2993. A bill to enhance competition for prescription drugs by increasing the
ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

**DRUG COMPETITION ACT**

Mr. LEAHY. Mr. President, I have heard a lot of outrageous examples of greed in my life but one of the worst is where pharmaceutical giants pay generic drug companies to keep low-cost drugs from senior citizens and from families.

If Dante were still alive today I am certain he would find a special resting place for those who engage in these conspracies.

The Federal Trade Commission and the New York Times deserve credit for exposing this problem. Simply stated: some manufacturers of patented drugs—often drug-name drugs—are paying competitors a month to generic drug companies to keep lower-cost products off the market.

This hurts senior citizens, it hurts families, it cheats healthcare providers and it is illegal.

These pharmaceutical giants and their generic partners then share the profits gained from cheating American families.

The companies have been able to get away with this by signing secret deals with each other not to compete. My bill, which I am introducing today, will expose these deals and subject them to immediate investigation and action by the Federal Trade Commission, or the Justice Department. This solves the most difficult problem faced by federal investigators—finding out about the improper deals. This bill does not change the so-called Hatch-Waxman Act, it does not amend FDA law, and it does not slow down the drug approval process in the face of existing antitrust laws to be enforced because the enforcement agencies have information about deals not to compete.

Fortunately, the FTC was able to get copies of a couple of these secret contracts and instantly lowered the boom on the companies.

Mr. President, I ask unanimous consent that an editorial in the July 26, New York Times, called “Driving Up Drug Prices,” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**DRIVING UP DRUG PRICES**

Two recent antitrust actions by the Federal Trade Commission and a related federal court decision have exposed the way some pharmaceutical companies conspire to keep low-priced drugs out of reach of consumers. Manufacturers of patented drugs are paying millions each month to generic drug companies to keep products off the market. The drug companies split profits from maintaining a monopoly at the consumer’s expense. The commission is taking aggressive action to curb the practice. It needs help from Congress to close loopholes that allow these deals to our competition enforcement agencies.

The purposes of this Act are—

(1) to provide timely notice, to—

(2) by providing timely notice, to—

block other generic drugs from entering the market—while, at the same time, getting paid by the brand-name manufacturer to not sell the generic drug.

The bill I am introducing today will shut this loophole down for companies who want to cheat the public, but keeps the system the same for companies engaged in true competition with each other. This bill would give the FTC or the Justice Department the information it needs to take quick and decisive action against companies driven more by greed than by good sense.

I think it is important for Congress not to overreact in this case and throw out the good with the bad. Most generic companies want to take advantage of this 180-day provision and deliver quality generic drugs at much lower costs for consumers. We should not eliminate the incentive for them.

Instead, we should let the FTC and Justice look at every single deal that could lead to abuse so that only the deals that are against the law can be ready to act when we get back in session.

I look forward to suggestions from other Members on this matter and from brand-name and generic companies who will work with me to make sure this loophole is closed. I am not interested in comments from companies who want to continue to cheat consumers.

I ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2993

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 “Drug Competition Act of 2000.”

**SEC. 2. FINDINGS.**

Congress finds that—

(1) prescription drug costs are increasing at an alarming rate and are a major worry of senior citizens and American families;

(2) there is a potential for drug companies owning patents on brand-name drugs to enter to private financial deals with generic drug companies in a manner that could tend to restrain trade and greatly reduce competition and increase prescription drug costs for American citizens; and

(3) enhancing competition between generic drug manufacturers and brand name manufacturers can significantly reduce prescription drug costs to American families.

**SEC. 3. PURPOSE.**

The purposes of this Act are—

(1) to provide timely notice to the Department of Justice and the Federal Trade Commission regarding agreements between companies owning patents on branded drugs and companies who could manufacture generic or equivalent versions of such branded drugs; and

(2) by providing timely notice, to—
(A) enhance the effectiveness and efficiency of the enforcement of the antitrust laws of the United States; and

(b) deter pharmaceutical companies from engaging in anticompetitive actions or activities that tend to unfairly restrain trade.

SEC. 4. DEFINITIONS.

In this Act:


(2) ANTITRUST LAWS.—The term ‘‘antitrust laws’’ has the same meaning as in section 1 of the Clayton Act (15 U.S.C. 12), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(3) ANDA.—The term ‘‘ANDA’’ means an Abbreviated New Drug Application, as defined under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(4) BRAND NAME DRUG COMPANY.—The term ‘‘brand name drug company’’ means a person engaged in the manufacture or marketing of a drug approved under section 505(b) of the Federal Food, Drug and Cosmetic Act.

(5) COMPLIANCE AND EQUITABLE RELIEF.—The term ‘‘Compliance and Equitable Relief’’ means the Federal Trade Commission.

(6) FDA.—The term ‘‘FDA’’ means the Food and Drug Administration.

(7) GENERIC DRUG.—The term ‘‘generic drug’’ is a product that the Food and Drug Administration has approved under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(8) GENERIC DRUG APPLICANT.—The term ‘‘generic drug applicant’’ means a person who has filed or received approval for an ANDA under section 505(j) of the Federal Food, Drug and Cosmetic Act.

(9) NDA.—The term ‘‘NDA’’ means a New Drug Application, as defined under 505 of the Federal Food, Drug and Cosmetic Act.

SEC. 5. NOTIFICATION OF AGREEMENTS AFFECTING THE SALE OR MARKETING OF GENERIC DRUGS.

A brand name drug manufacturer and a generic drug manufacturer that enter into an agreement to affect the sale or marketing of a generic drug equivalent of a brand name drug that is manufactured by that brand name manufacturer and which agreement could have an effect of limiting—

(1) the research, development, manufacture, marketing or selling of a generic drug product that could be approved by the FDA; or

(2) the research, development, manufacture, marketing or selling of a generic drug product that could be approved by the FDA; both shall file with the Commission and the Attorney General the text of the agreement, an explanation of the purpose and scope of the agreement and an explanation of whether the agreement could delay, restrain, limit, or in any way interfere with the production, manufacture or sale of the generic version of the drug in question.

SEC. 6. FILING DEADLINES.

Any notice, agreement, or other material required to be filed under section 5 shall be filed with the Attorney General and the FTC not later than 30 days after the date the agreements are executed.

SEC. 7. ENFORCEMENT.

(a) CIVIL FINE.—Any person, or any officer, director, partner, agent, or employee thereof, fails to comply with any provision of this Act shall be liable for a civil penalty of not more than $20,000 for each day during which such person is in violation of this Act. Such penalty may be recovered in a civil action brought by the United States, or brought by the Commission in accordance with the procedures established in section 16(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(a)).

(b) COMPLIANCE AND EQUITABLE RELIEF.—If any person, officer, director, partner, agent, or employee thereof, fails to comply with the notification requirement under section 5 of this Act, any civil action filed by the district court may order compliance, and may grant such other equitable relief as the court in its discretion determines necessary or appropriate, upon application of the Commission or the Assistant Attorney General.

SEC. 8. RULEMAKING.

The Commission, with the concurrence of the Attorney General, may by rule or order require that the research, development, marketing or selling of a generic drug equivalent of a brand name drug that is manufactured by that brand name drug company and which agreement could delay, restrain, limit, or in any way interfere with the production, manufacture or sale of the generic version of the drug in question—

(1) may require that the notice described in section 5 of this Act be in such form and contain such documentary material and information relevant to the agreement as is necessary and appropriate to enable the Commission and the Assistant Attorney General to determine whether such agreement may violate the antitrust laws;

(2) may define the terms used in this Act;

(3) may examine the persons or agreements from the requirements of this Act; and

(4) may prescribe such other rules as may be necessary and appropriate to carry out the purposes of this Act.

SEC. 9. EFFECTIVE DATES.

This Act shall take effect 90 days after the date of enactment of this Act.

By Mr. ROBB:

S. 2994. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Finance.

THE HEALTH INSURANCE EQUITY ACT

Mr. ROBB. Mr. President, I rise to introduce a new legislative proposal to help level the playing field for small businesses that try to provide health insurance for their employees and make health insurance more affordable for all Americans.

While our economy is the strongest it’s ever been, the number of uninsured Americans has gone from 32 million in 1987 to more than 44 million today. And the focus of this nation continues to forge ahead in improving the world’s greatest health care system, we face the increasing problem of having a significant percentage of our population that has no way to access care.

One of the largest sectors of the uninsured is employees who work for small businesses. While small businesses are the lifeblood of our economy, they also face some of the greatest challenges when it comes to providing health benefits for their employees. While the number of uninsured among employees who work for companies with more than 500 people is 1 in 8, that number soars among small businesses—less than 25 employees—to 1 in 3. This is because large employers can spread the costs of providing health insurance among their multitude of employees, while smaller companies have a much more difficult task. We need to help small business owners—and the employees who work for them—to better afford quality health insurance.

Today, I propose that we lend a hand to the hardworking small businessmen and women of America, and their employees, to help them erase the gap in coverage between large and small businesses. The legislation I am introducing—the Health Insurance Equity Act—will give small businesses with less than 50 employees a 20% tax credit toward the cost of buying health insurance for their employees. To encourage small businesses to pool together and take advantage of the same benefits that large companies and their large counterparts have, the credit will increase to 25% if the businesses join new "qualified health benefit purchasing coalitions" that can help them easily administer their new health plans and negotiate better rates with insurers.

In addition, this legislation makes a change in the tax code to ensure that these new coalitions can enjoy the full benefit of charitable contributions from private foundations. While some private foundations have been reluctant to say that they are willing to help fund some of the start-up costs of health purchasing coalitions, current law does not specify that these sorts of contributions would qualify as a charitable donation. For this reason, private foundations have been reluctant to make grants or loans to these coalitions. The bill I am introducing today will clarify that aid to qualified health benefit purchasing coalitions are entirely tax-deductible, which can help ensure that private foundations and other interested parties to help the coalitions with their important duties.

By helping people get better access to basic health insurance—before they get very sick—we can save money for both hospital and patient, while helping millions of Americans live more healthy lifestyles.

With that Mr. President, I send my legislation to the desk, and ask that it be appropriately referred. I also ask unanimous consent that it be printed in the Record.

I yield the floor.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2994

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 “Health Insurance Equity Act."

SEC. 2. CERTAIN GRANTS BY PRIVATE FOUNDATIONS TO QUALIFIED HEALTH BENEFIT PURCHASING COALITIONS.

(a) In General.—Section 4942 of the Internal Revenue Code of 1986 (relating to taxes on failure to distribute income) is amended by adding at the end the following:

“(k) CERTAIN QUALIFIED HEALTH BENEFIT PURCHASING COALITION DISTRIBUTIONS.—

“(1) In General.—For purposes of subsection (g) and section 4945(d)(5), a qualified health benefit purchasing coalition distribution by a private foundation shall be considered to be a distribution for a charitable purpose.

“(e) QUALIFIED HEALTH BENEFIT PURCHASING COALITION DISTRIBUTION.—For purposes of paragraph (1)—"
(A) IN GENERAL.—The term ‘qualified health benefit purchasing coalition distribution’ means any amount paid by a private foundation to or on behalf of a qualified health benefit purchasing coalition (as defined in section 9841) for purposes of payment or reimbursement of start-up costs paid or incurred in connection with the establishment of such coalition.

(B) EXCLUSIONS.—Such term shall not include any amount used by a qualified health benefit purchasing coalition (as so defined)—

(i) for the purchase of real property,

(ii) as payment to, or for the benefit of, members (or employees or affiliates of such members) of such coalition, or

(iii) following costs paid or incurred more than 24 months after the date of establishment of such coalition.

(3) TERMINATION.—This subsection shall not apply—

(A) to qualified health benefit purchasing coalition distributions paid or incurred after December 31, 2008, and

(B) with respect to start-up costs of a coalition which are paid or incurred after December 31, 2010.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified health benefit purchasing coalition distributions, as described in section 4942(k)(2) of the Internal Revenue Code of 1986, as added by such subsection, in taxable years beginning after December 31, 2000.

SEC. 3. SMALL BUSINESS HEALTH PLAN TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following:

SEC. 45D. EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Chapter 10 of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

(c) NO CARRYBACKS.—Subsection (d) of section 38, in the case of a small employer (as defined in section 38), in the case of insurance purchased as a single coverage plan for such month is paid by the taxpayer.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

Section 45D. Employee health insurance expenses.
CONGRESSIONAL RECORD — SENATE

S7911

S. 2995

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Character Act of 2000”.

SEC. 2. FINDINGS.

Congress finds that—

(1) inadequate planning at the State level contributes to increased public and private capital costs for infrastructure development, loss of community character, and environmental degradation;

(2) land use planning is rightfully within the jurisdiction of State and local governments;

(3) comprehensive planning and community development should be supported by the Federal Government and State governments; States should provide the climate and context for planning through legislation in order for appropriate comprehensive land use planning and community development to occur;

(4) many States have outdated land use planning legislation, and many States are undertaking efforts to update and reform the legislation; and

(5) efforts to coordinate State resources with local plans require additional planning at the State level.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LAND MANAGEMENT AGENCY.—The term “Federal land management agency” means the Bureau of Land Management, the Forest Service, and any other Federal land management agency that conducts land use planning at the State level.

(2) LAND USE PLANNING LEGISLATION.—The term “land use planning legislation” means a statute, regulation, executive order or other action taken by a State to guide, regulate and assist in the planning, regulation, and management of land, natural resources, development practices, and other activities related to the pattern and scope of future land development.

(3) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(4) STATE.—The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(5) STATE PLANNING DIRECTOR.—The term “State planning director” means the State official designated by statute or by the Governor whose principal duties include the drafting and updating of State guide plans or guidance documents that regulate land use and infrastructure development on a statewide basis.

SEC. 4. GRANTS TO STATES FOR UPDATING LAND USE PLANNING LEGISLATION AND INTEGRATING FEDERAL LAND MANAGEMENT AND STATE PLANNING.

(a) IN GENERAL.—The Secretary shall establish a program to provide grants to States for the purpose of assisting in—

(1) as a first priority, development or revision of land use planning legislation in States that currently have inadequate or outdated land use planning legislation; and

(2) creation or revision of State comprehensive land use plans or plan elements in
States that have updated land use planning legislation.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary, in such form as the Secretary may require, an application demonstrating that the State’s basic goals for land use planning, if consistent with all of the following guidelines:

(1) Citizen representation.—Citizens are notified and citizen representation is required in the developing, adopting, and updating of land use plans.
(2) Multijurisdictional cooperation.—In order to effectively manage the impacts of land development and to provide for resource sustainability, land use plans are created based on multi-jurisdictional governmental cooperation, when practicable, particularly in the case of land use plans based on watershed boundaries.
(3) Implementation elements.—Land use plans contain an implementation element that—
(A) includes a timetable for action and a definition of the respective roles and responsibilities of agencies, local governments, and other stakeholders;
(B) is consistent with State capital budget objectives; and
(C) provides the framework for decisions relating to future infrastructure development, including development of utilities and utility distribution systems.

(4) Comprehensive planning.—There is comprehensive planning to encourage land use plans that—
(A) promotes sustainable economic development and social equity;
(B) enhances community character;
(C) coordinates transportation, housing, education, and other infrastructure development;
(D) conserves historic resources, scenic resources, and the environment; and
(E) sustainably manage natural resources.

(5) Updating.—Land use plans are routinely updated.

(6) Standards.—Land use plans reflect an approach that is consistent with established professional planning standards.

(c) USE OF GRANT FUNDS.—Grant funds received by a State under subsection (a) shall be used to obtain technical assistance in—
(1) drafting land use planning legislation;
(2) conducting workshops, educating and informing citizens in the planning process; and
(3) integrating State and regional concerns and land use plans with Federal land use plans.

(d) AMOUNT OF GRANT.—The amount of a grant to a State under subsection (a) shall not exceed $75,000.

(e) COST-SHARING.—The Federal share of a project funded under this section shall not exceed 90 percent.

(f) AUDITS.—

(1) IN GENERAL.—The Inspector General of the Department of Housing and Urban Development shall conduct an audit of a portion of the grants provided under this section to ensure that all funds provided under the grants are used for the purposes specified in this section.

(2) USE OF AUDIT RESULTS.—The results of audits conducted under paragraph (1) and any recommendations made in connection with the audits shall be taken into consideration in awarding any future grant under this section to a State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for the period of fiscal years 2001 through 2005.

SEC. 5. FEDERAL LAND MANAGEMENT AGENCIES.

(a) LAND USE PLANNING COORDINATOR.—The head of each Federal land management agency shall designate an officer to act as coordinator of regional or State planning directors on projects funded under section 4.

(b) PROVISION OF INFORMATION.—A Federal land management agency shall provide to a State planning director such background information, plans, and relevant budget information as the State planning director considers to be needed in connection with a project funded under this section.

(c) ASSISTANCE AND PARTICIPATION IN COMMUNITY ORGANIZED EVENTS.—Each Federal land management agency shall participate in any community organized events requested by the State planning director.

Mr. LEAHY. Mr. President, I am pleased to join with Senators DeWine, Hatch and Voinovich in introducing bipartisan legislation to provide common-sense tax incentives to help address asbestos liability issues.

I agree with Supreme Court Justice Ruth Bader Ginsburg in the Amchem Products decision that Congress can provide tax incentives as a means of compensating victims of asbestos exposure. The appropriate role for Congress is to provide incentives for private parties to reach settlements, not to take away the legal rights of asbestos victims and their families. Our bipartisan bill provides these tax incentives for private parties involved in asbestos-related litigation to reach global settlements and for asbestos victims and their families receive the full benefit of the incentives.

Mr. President, we are facing a situation where the legal rights of all parties involved is a win-win situation for business and asbestos victims. For example, Rutland Fire Clay Company, a family-run, 117-year-old business in my home state of Vermont, recently reached a settlement with its insurers and the trial bar concerning the firm’s asbestos problems. Unlike some big businesses that are trying to avoid any accountability for their responsibility through national “tort reform” legislation, the Rutland Fire Clay Company and its President, Tom Martin, are doing the right thing within the legal system. Mr. Martin plans to lead the family-run business from bankruptcy this year as a stronger firm with a solid financial foundation for its employees in the 21st Century. The tax incentives in our bipartisan bill will support the Rutland Fire Clay Company and its employees while providing financial security for its settlement with asbestos victims.

I believe it is in the national interest to encourage fair and expedient settlements between companies and asbestos victims. The legislation we are introducing today will protect payments to victims while ensuring defendant firms remain solvent. I urge my colleagues to support our bipartisan legislation.

By Mr. WELLSSTONE:

S. 2996. A bill to extend the milk price support program through 2002 at an increased price support rate; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PRICE SUPPORT LEGISLATION

Mr. WELLSTONE. Mr. President, I rise today to introduce legislation that is intended to begin a long overdue dialogue on the future of the dairy industry, and a way of life that is basic not only to our agricultural economy but to the soul of America. I am talking about family dairy farming. To maintain this country’s family dairy farms, we need to act quickly before the end of this session, to effect a change in Federal dairy policy that will make a difference, a difference to dairy farmers who are struggling because they receive a price that is less than what it cost them to produce the product.

It is clear dairy farmers in this country are facing devastating times. The current dairy policies have brought chaos to family dairy farmers. Last year, the Class I milk price dropped from $16.26 cwt. in September to $9.63 cwt. in December, and prices have still not recovered. Over the last ten months we have seen a drop of over forty percent in milk prices. How can dairy farmers survive with such volatility in the market place? Dairy farmers need to have a stable and equitable market price, and that simply does not exist under our current dairy policy.

That is why I am pleased to introduce this legislation to set the milk support price at $12.50 per hundredweight. As my colleagues know, the dairy support price sets a floor on the price received by all producers, regardless of region, that should be set at a level sufficient to curb market volatility. However, the current support level of $9.90 cwt. is too low to act as a stabilizer for the market. The five year average for milk is $12.78 cwt, therefore the legislation to set the support price at $12.50 would protect against the huge drops producers have experienced in the past few years.

I want to make clear that this legislation is not intended to be the complete solution to the problems with our national dairy policy, or lack thereof. I firmly believe that we need to develop a supply management mechanism to complement an increase in the price support, however, for too long this Congress has ignored the economic crisis our nation’s dairy farmers are facing.

Mr. President, what we do here in Washington has to be rooted in the lives of the people we represent. It has to be based upon the realities of people in our communities, including people in rural communities. I think it is vitally important to understand that there is a crisis in capital letters with dairy farmers that is evident when you go out and talk with people, talk to farmers, hardworking dairy farmers, good managers, sitting down in their kitchens adding up the figures trying to cash flow. There is simply no way
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they can do it. Talk to dairy farmers who try to convince their sons and daughters that there is no more honor- able profession to go into than to be a farmer, to be a dairy farmer, to produce nutritious milk for people at affordable yet people do not get a decent price for their work.

In my State, fifty in the country in milk production, we have 8,000 dairy farmers with an average herd size of 99 cows. It is a family dairy industry. It is not a factory farm industry, and we want to keep it a family industry. The milk production from Minnesota farms generates more than $1.2 billion for our states’ farmers each year, and a recent University of Minnesota study determined that dairy production in Minnesota creates an additional $1.2 billion in economic activity for related indus- try. Our dairy industry is efficient and it is innovative, and it produces a plen- tiful supply of pure wholesome milk at extremely reasonable prices, but it is also faced with a price crisis. It is not only not for dairy farmers themselves, but for rural communities throughout the country because the health and vi- tality of our rural communities is not going to be based upon the size of the herd of the number of dairy farmers who live in those communities, who buy in those communities, who go to churches in those communities, who support the school systems and busi- nesses in those communities.

I agree with the President. I stand here on the floor of the Senate, that agriculture in our country is about to go through a transition where all of agriculture will be dominated by giant conglomerates. The result will be the total lack of a competitive sector, family farm sector, of agriculture. That will be a transition that we’ll deeply regret and that is why we have to act now.

Mr. President, I hope we can respond appropriately to the pleas that are coming from congressmen and other agricul- tural States all around the country. Due to a drastic reduction in the prices paid to farmers for their milk during the past year, thousands of farmers are going out of business. Since 1980 the number of dairy farmers in Minnesota has been nearly cut in half. This year alone we have already lost almost 300 dairy farms. We will lose more if we do not change the course of policy. Fed- eral dairy policy has allowed milk pro- duction to fluctuate endlessly. This fluctuation has caused a tremen- dous amount of instability for pro- ducers and consumers but it has been especially bad for farmers. While retail prices for dairy farmers have gone down and while the price for farmers has been dramatically cut by 40 per- cent, we have seen no such decrease at the grocery store.

The solution is a Federal policy that provides a decent living to hard- working family farmers producing needed milk. The average cost of pro- duction for milk in the United States is around $13 per hundredweight and yet farmers in my State are receiving less than $10 for the same hundred- weight. We need a system that will match output to need, and pay farmers a fair price.

There is widespread support around the country for an increase in the price support. In fact, the National Farmers Union and the National Farmers Organiza- tion, earlier this year, testified in support of an increase of the current price support of $9.90. Such a system will allow farmers to earn a price that covers the cost of production, and re- duce the wild price fluctuations we have witnessed over the past few years.

I want to make it very clear that I believe the vitality of the dairy industry is important not only to my State’s economic health, and to the economic health of agricultural States all across the country, but to the maintenance of viable rural communities throughout our nation. I think it is important if we are to protect the environment. I think it is important if we are to have diversity. I think it is important if we are to avoid more concentration in the agricultural sector of our country. I think it is important if we are to con- tinue to have family farmers who can produce wholesome milk at a decent price for consumers. I think it is im- portant because it represents the very best of what we have been about as a nation. I hope we can make substantive dairy policy reforms this year, and I believe an increase in the price support is an important component, as is a target- ed supply management mechanism. It is clear we must act soon. And I hope we can do it before the close of Con- gress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2996

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

SECTION 1. MILK PRICE SUPPORT PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 141(b) of the Agricultural Market Transition Act (7 U.S.C. 7251(b)) is amended by striking ‘‘2000’’ each place it appears and inserting ‘‘2002’’.

(b) PRICE SUPPORT RATE.—Section 141(b) of the Agricultural Market Transition Act (7 U.S.C. 7251(b)) is amended by adding at the end the following:

‘‘(5) During each of calendar years 2001 and 2002, $12.50.’’

(c) CONFORMING AMENDMENTS; RECOURSE LOAN PROGRAM FOR PROCESSORS.—Section 142 of the Agricultural Market Transition Act (7 U.S.C. 7252) is amended—

(1) in the first sentence of subsection (b), by striking ‘‘$9.90’’ and inserting ‘‘$12.50’’; and

(2) in subsection (e), by striking ‘‘2001’’ and inserting ‘‘2003’’.

By Mr. KERRY (for himself, Mr. JEFFFORDS, Mr. SARBANES, Mr. LEARY, Mr. BRYAN, Mr. REED, Mr. BURBANK, Mr. WELLS, and Mr. WOLLSTONE):

S. 2997. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the de- velopment of decent, safe, and afford- able housing for low-income families; to the Committee on Banking, Hous- ing, and Urban Affairs.

The National Affordable Housing Trust

Mr. KERRY. Mr. President, I come to the floor today to offer the National Affordable Housing Trust Fund Act which would establish a Trust Fund to fill the growing gap in our ability to provide affordable housing in this country.

We are living through a time of great economic expansion. Many Americans are benefitting from the growing economy. On the flip side however, is that the economy is fueling rising housing costs. While these costs skyrocket at record pace, there are many families in this country who are unable to keep up.

HUD estimates that 5 million low- income households have ‘‘worst case’’ housing needs. That’s 600,000 American families who cannot afford a decent and safe place to live.

For these families living paycheck to paycheck, one unforeseen circumstance, a sick child, a needed car repair, or a large utility bill can send them into homelessness. Just this week, on the front page of the Washington Post, an article detailed these problems right here in our own backyard. The article details the plight of low-income fami- lies living in apartments which are no longer affordable because the owners have decided to no longer accept fed- eral assistance. For these families, the loss of their affordable housing unit means they may go without a home.

I think only view the housing cri- sis in this country as confined to spe- cific demographics. This is untrue. There is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for a two-bedroom apartment. A person needs to earn over $11 an hour to afford the median rent for a two bedroom apartment in this country. This figure rises dramatically in many metropoli- tan areas—an hourly wage of $22 is needed in San Francisco; $21 on Long Island; $17 in the D.C. area; $14 in Seattle and Chicago; and, $13 in Atlanta.

Working families in this country are increasingly finding themselves unable to afford housing. Using the numbers I just cited, a person in Boston would have to make over $35,000 just to afford a 2 bedroom apartment. This means teachers, janitors, social workers, po- lice officers—these full time workers can have trouble affording even a mod- erate 2-bedroom apartment.

A story from my home state of Mas- sachusetts highlights the problems faced by working families. On Cape
Cod, Susan O'Donnell a mother of three, earns $21,000 a year working full-time. Nonetheless, she is forced to live in a campground because she cannot find affordable housing. The campground she is living at has time limits, so that she is able to stay for a prolonged period of time is through cleaning the campground's toilets. When her time runs out at the campground, she will again be forced to move with her three children, though it is clear where she will be able to afford to move. Skyrocketing housing costs have pushed her, and other full time workers on the Cape out of their housing and into homelessness.

And, as I mentioned earlier, the problem is not only that we have failed to create additional affordable units. We have actually witnessed a tremendous loss in affordable housing. Between 1993 and 1995, a loss of 900,000 rental units affordable to low-income families occurred. From 1996 to 1998, there was a 19% reduction in the number of affordable housing units. This amounted to a dramatic reduction of 1.3 million affordable housing units available to low-income Americans.

The Washington Post article I mentioned previously, helps to show the real impact of these losses. Because of the ability of higher wage earners to pay higher housing costs, building owners are now choosing not to rent to households assisted with Section 8 vouchers.

Right over the D.C. line, in Prince Georges County, Maryland, 300 tenants in a mobile home complex were recently told that they would have to move because the owner will no longer accept Section 8. This means 300 families will lose their housing. And, it is not clear that there will be anywhere for them to go. In many cases, it is forced to move from relative to relative to朋友 to friend because her parents can no longer support her.

What I am doing today, is standing up before the Nation and saying, “no more.” We have the resources we need to ensure that all Americans have the opportunity to live in decent and safe housing, yet we are not devoting these resources to fix the problem.

Today, I am proposing to address the severe shortage of affordable housing by establishing a National Affordable Housing Trust Fund which uses excess income which currently go to housing programs—the Federal Housing Administration (FHA) and the Government National Mortgage Association (GNMA). These federal housing programs generate billions of dollars in excess income which currently go to the general Treasury for use on other federal priorities. It is time to stop taking housing money out of housing programs. These excess funds should be used to help alleviate the current housing crisis.

My proposal would create an affordable housing production, ensuring that new rental units are built for those who most need assistance—extremely low-income families, including working families. In addition, Trust Fund assistance will be used to promote homeownership for low-income families, those families whose incomes are below 80% of the area median income.

The Trust Fund aims to create long-term affordable, mixed-income development in areas with the greatest opportunities for low-income families.

A majority of assistance from the Trust Fund will be given out as matching grants to the States which will distribute funds on a competitive basis like the low-income housing tax credit. Localities, non-profits, developers and other entities will be eligible to apply for funds. The remaining assistance will be distributed through a national competitive process to localities and non-profits which will be required to leverage private funds for investment in affordable housing.

This proposal will bring federal, state, and local aid together to create needed affordable housing opportunities for American families.

We can no longer ignore the lack of affordable housing, and the impact it is having on families and children around the country. It is not clear to me why this lack of housing has not caused more uproar. How many families need to be pushed out of their homes and into the streets, before action is taken. Earlier in this Congress, I proposed a program which would assist in maintaining the affordable stock that already exists. I hope that this preservation program is taken up this Congress and passed so that we can avoid losing anymore affordable units. However, we must also focus on producing additional housing, which is exactly what this Housing Trust Fund will do.

Mr. President, I asked of the housing policy experts and practitioners in Massachusetts to work with me to come up with a viable program which would put the government back in the business of producing affordable housing. This legislation is a result of collaboration among numerous organizations and experts. I want to thank in particular, Aaron Gornstein of the citizens Housing and Planning Association in Massachusetts for helping to bring all of the relevant actors to the table to formulate this proposal. I appreciate the help of many people and organizations, but want to mention some individuals in Massachusetts who were critical in shaping the ideas behind this legislation: Vince O’Donnell of the Community Economic Development Assistance Corp; Peter Gagliardi with the Hampden Hampshire Housing Partnership; Conrad Egan of the National Housing Conference; Joe Flately with the Massachusetts Housing Investment Corporation; Howard Cohen with Beacon Residential; and, Patrick Dober of Lendlease.

I ask unanimous consent to have the text of the legislation, along with a section-by-section summary, and letters of support from a number of organizations including the National Association of Homebuilders, the National Council of State Housing Agencies, the National Low-Income Housing Coalition, the National Coalition for the
Homeless, the National Housing Con-
ference, and others put in the Record.
There being no objection, the mate-
rial was ordered to be printed in the
Record, as follows:
S. 2997
Be it enacted by the Senate and House of Rep-
resentatives of the United States of America in Congress assembled,
SEC. 1. SHORT TITLE.
This Act may be cited as the “National Af-
fordable Housing Trust Fund Act of 2000”.
SEC. 2. PURPOSES.
The purposes of this Act are to—
(1) fill the growing gap in the national abil-
y to build affordable housing by using prof-
itns generated by the Federal Mortgage
Insurance Programs to fund additional housing activities, and
to supplant existing housing appropri-
tions; and
(2) enable rental housing to be built for
those families with the greatest need in
areas with the greatest opportunities in
mixed-income settings and to promote home-
ownership for low-income families.
SEC. 3. NATIONAL HOUSING TRUST FUND.
(a) ESTABLISHMENT OF TRUST FUND.—There is estab-
lished in the Treasury of the United States a trust fund to be known as the “Na-
tional Affordable Housing Trust Fund” (re-
tered to in this Act as the “Trust Fund”)) for the purposes of promoting the development of affordable housing;
(b) DEPORTIS TO THE TRUST FUND.—For fis-
cal year 2001 and each fiscal year thereafter, there is appropriated to the Trust Fund an amount equal to the sum of—
(1) any revenue generated by the Mutual
Mortgage Insurance Fund of the Federal
Housing Administration in excess of the
amount necessary for the Mutual Mortgage
Insurance Fund to maintain a capital ratio
of 3 percent for the preceding fiscal year; and
(2) any revenue generated by the Govern-
ment National Mortgage Association in ex-
cess of the amount necessary to pay the ad-
ministrative costs and expenses necessary to
ensure the safety and soundness of the Gov-
ernment National Mortgage Association for the preceding fiscal year, as determined by the
Secretary.
(c) ELIGIBLE INTERMEDIARIES.—For fiscal year 2001 and each fiscal year thereafter, amounts appropriated to the Trust Fund an amount equal to the sum of—
(1) any revenue generated by the Mutual
Mortgage Insurance Fund of the Federal
Housing Administration in excess of the
amount necessary for the Mutual Mortgage
Insurance Fund to maintain a capital ratio
of 3 percent for the preceding fiscal year; and
(2) any revenue generated by the Govern-
ment National Mortgage Association in ex-
cess of the amount necessary to pay the ad-
ministrative costs and expenses necessary to
ensure the safety and soundness of the Gov-
ernment National Mortgage Association for the preceding fiscal year, as determined by the
Secretary.
(d)ミニコードから信頼を受けた基金.—For fiscal year 2001 and each fiscal year thereafter, amounts appropriated to the Trust Fund an amount equal to the sum of—
(1) any revenue generated by the Mutual
Mortgage Insurance Fund of the Federal
Housing Administration in excess of the
amount necessary for the Mutual Mortgage
Insurance Fund to maintain a capital ratio
of 3 percent for the preceding fiscal year; and
(2) any revenue generated by the Govern-
ment National Mortgage Association in ex-
cess of the amount necessary to pay the ad-
ministrative costs and expenses necessary to
ensure the safety and soundness of the Gov-
ernment National Mortgage Association for the preceding fiscal year, as determined by the
Secretary.
SEC. 4. ADMINISTRATION OF NATIONAL AFFORD-
ABLE HOUSING TRUST FUND.
(a) DEFINITIONS.—In this section:
(1) AFFORDABLE HOUSING.—The term “affor-
dable housing” means housing for rental
that bears rents not greater than the lesser of—
(A) the existing fair market rent for com-
parable units in the area, as established by the
Secretary under section 8 of the United States
Housing Act of 1937 (42 U.S.C. 1437f); or
(B) a rent that does not exceed 30 percent of the adjusted income of a family whose in-
come equals 65 percent of the median income
for the area, as determined by the Secretary,
with adjustment for number of bedrooms in
the unit, except that the Secretary may es-
ablish income ceilings higher or lower than
65 percent of the median for the area on the
basis of the findings of the Secretary that
such variations are necessary because of pre-
vailing construction costs or fair market
rents, or unusually high or low family
incomes.
(2) CONTINUED ASSISTANCE RENTAL SUBSIDY
PROGRAM.—The term “continued assistance
rental subsidy program” means a program under which—
(A) project-based assistance is provided for
not more than 3 years to a family in an af-
fordable housing unit developed with assist-
ance made available under subsection (c) or
(d) in a project that partners with a public
housing agency, which agency agrees to pro-
vide the assisted family with a priority for
the receipt of a voucher under section 8(o)(1)
of the United States Housing Act of 1937 (42
U.S.C. 1437f(o)) if the family chooses to move
after an initial year of occupancy and the
public housing agency agrees to refer eligi-
ble voucher holders to the property when vac-
cancies occur; and
(B) after 3 years, subject to appropriations,
continued assistance is provided under sec-
tion 8(o)(2) of the United States Housing Act of
1937 (42 U.S.C. 1437f(o)), notwithstanding any
provision to the contrary in that section, if
administered to provide families with the op-
tion of continued assistance with tenant-
based vouchers, if such a family chooses to
move after an initial year of occupancy and
the public housing agency agrees to refer eligi-
ble voucher holders to the property when vac-
cancies occur.
(3) ELIGIBLE ACTIVITIES.—The term “eligi-
able activities” includes any activity relating to
the development of affordable housing, in-
cluding—
(A) the construction of new housing;
(B) the acquisition of real property;
(C) site preparation and improvement, in-
cluding demolition;
(D) substantial rehabilitation of existing
housing; and
(E) rental subsidy for not more than 3 years
under a continued assistance rental subsidy
program.
(4) ELIGIBLE ENTITY.—The term “eligible
entity” includes any public or private non-
profit or for-profit entity, unit of local gov-
ernment, nonprofit community development
organization, or any other entity engaged in
the development of affordable housing, as determined by the
Secretary.
(5) ELIGIBLE INTERMEDIARY.—The term “el-
igible intermediary” means—
(A) a nonprofit community development
corporation;
(B) a community development financial in-
titution (as defined in section 103 of the Community Development Banking and Fi-
4722));
(C) a State or local trust fund;
(D) any entity eligible for assistance under
section 4 of the HUD Demonstration Act of
1993 (42 U.S.C. 14816); or
(E) a national, regional, or statewide non-
profit organization; and
(F) any other appropriate nonprofit entity,
as determined by the Secretary.
(6) EXTREMELY LOW-INCOME FAMILIES.—The term “ex-
remely low-income families” means a family with incom
income families (as defined in section 3(b) of the United States
Housing Act of 1937 (42 U.S.C. 1437a(b)) whose incomes do not exceed 30 percent of the median famil
families as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary
may establish income ceilings higher or lower than 30 percent of the median for the area on the
basis of the findings of the Secretary that such variations are necessary because of unusually high or low family
incomes.
(7) LOW-INCOME FAMILIES.—The term “low-
income families” has the meaning given the
term in section 3(b) of the United States
Housing Act of 1937 (42 U.S.C. 1437a(b)).
(8) NONFEDERAL SOURCES.—The term “non-
Federal sources” means the Secretary of Housing and Urban
Development.
(b) ALLOCATION TO STATES AND ELIGIBLE INTERMEDIARIES.—For fiscal year 2001 and each fiscal year thereafter, the total amount made available to the Secretary from the Trust Fund under section 3(c) shall be allo-
cated by the Secretary as follows:
(1) 75 percent shall be used to award grants to States in accordance with subsection (c).
(2) 25 percent shall be allocated to eligible intermediaries in accordance with subsection (d).
(c) GRANTS TO STATES.—
(1) IN GENERAL.—Subject to paragraph (2), for each fiscal year under subsection (b)(1), the Sec-
retary shall award grants to States, in ac-
 accordance with an allocation formula estab-
lished by the Secretary, that will provide the
pro-
 rata share of each State of the total need for
affordable housing, as determined by the
Secretary:
(A) the number and percentage of families
in the State that live in substandard hous-
ing;
(B) the number and percentage of families
in the State that pay more than 50 percent of
their annual income for housing costs;
(C) the number and percentage of persons
living at or below the poverty level in the
State;
(D) the cost of developing or carrying out
substantial rehabilitation of housing in the
State;
(E) the age of the multifamily housing stock in the State; and
(F) such other factors as the Secretary de-
termines to be appropriate.
(2) GRANT AMOUNT.—
(A) IN GENERAL.—The amount of a grant
awarded to a State under this subsection shall be—
(i) 4 times the amount of assistance pro-
vided by the State from non-Federal sources;
and
(ii) the allocation determined in accord-
ance with paragraph (1).
(B) NONFEDERAL SOURCES.—The following
shall be considered non-Federal sources for
purposes of this section:
(i) 50 percent of funds allocable to tax cred-
its allocated under section 42 of the Internal
(ii) 50 percent of revenue from mortgage
income bonds issued under section 143 of
such Code.
(iii) 50 percent of proceeds of the sale of
tax exempt bonds.
(3) AWARD OF STATE ALLOCATION TO CERTAIN
ENTITIES.—
(A) IN GENERAL.—If the amount provided
by a State from non-Federal sources is less
than 25 percent of the amount that would be
awarded to the State under this subsection
based on the allocation formula described in
paragraph (1), not later than 60 days after the
date on which the Secretary determines that the State is not eligible for the full allo-
cation, the Secretary shall notify the State of
the amount of assistance that the State will be
to receive for the fiscal year.
(B) APPLICATIONS.—Not later than 90
days after publication of a notice of funding
availability under subparagraph (A), a
profit or public entity (or a consortium there-
 formed, which may include units of local
government working together on a regional
basis) may submit to the Secretary an appli-
cation for the available assistance or a por-
tion thereof, which application shall in-
clude—
(i) a certification that the applicant will
provide assistance in an amount equal to 25
percent of the amount of assistance made
available to the applicant under this para-
graph; and
(ii) an allocation plan that meets the requirements of paragraph (4)(B) for use or distribution in the State of any assistance made available to the applicant under this paragraph, and the assistance provided by the State from non-Federal sources for purposes of paragraph (2)(A) to eligible entities for the purpose of assisting those entities in carrying out eligible activities in the State as follows:

(i) 75 percent shall be distributed to eligible entities for eligible activities relating to the development of affordable housing for extremely low-income families in the State.

(ii) 25 percent shall be distributed to eligible entities for eligible activities relating to the development of affordable housing for rental by low-income families in the State, or for homeownership assistance for low-income families in the State.

(4) DISTRIBUTION TO ELIGIBLE ENTITIES.—

(A) Each State that receives a grant award under this subsection shall distribute the amount made available under the grant and the assistance provided by the State from non-Federal sources for purposes of paragraph (2)(A) to eligible entities for carrying out eligible activities in the State as follows:

(i) 75 percent shall be distributed to eligible entities for eligible activities relating to the development of affordable housing for rental by low-income families or low-income families, as applicable, for not less than 40 years; and

(ii) 25 percent shall be distributed to eligible entities for eligible activities relating to the development of affordable housing for rental by low-income families or low-income families, as applicable, for not less than 40 years.

(5) ALLOCATION PLAN.—Each State shall, after notice to the public, an opportunity for public comment, and consideration of public comments received, establish an allocation plan for the distribution of assistance under this paragraph, which shall be submitted to the Secretary and shall be made available to the public by the State, and which shall include—

(i) application requirements for eligible entities seeking to receive such assistance, including a requirement that each application include—

(A) a certification by the applicant that any housing developed with assistance under this paragraph will remain affordable for extremely low-income families or low-income families, as applicable, for not less than 40 years; and

(B) a certification by the applicant that the tenant contribution towards rent for a family residing in a unit developed with assistance under this paragraph will not exceed 30 percent of the adjusted income of that family; and

(ii) factors for consideration in selecting among applicants that meet such application requirements, which shall give preference to applicants based on—

(A) the extent of local assistance that will be provided in carrying out the eligible activities, including—

(aa) financial assistance; and

(bb) other assistance from other Federal sources, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), State or local assistance, programs to increase tenant income, cross-subsidization, and any other resources.

(B) the capacity of the eligible intermediary to carry out the eligible activities, including—

(aa) the ability of the eligible intermediary to meet housing needs of low-income families or low-income families, as applicable, for not less than 40 years; and

(bb) the ability of the eligible intermediary to leverage funds from private activity bonds.

(C) a certification that the assistance made available under the grant for eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(D) the percentage shall be used for eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(6) EXCEPTION.—

(i) IN GENERAL.—If the amount made available under a grant award under this subsection is used for a project described in clause (ii), an eligible intermediary may use the amount made available under the grant for eligible activities relating to the development of housing for rental by families whose incomes are less than 60 percent of the area median income, and for homeownership activities for families whose incomes are less than 80 percent of area median income.

(ii) a community revitalization plan; and

(iii) the ability of the intermediary to leverage funds from private activity bonds.

(7) PLAN OF USE.—Each eligible intermediary that receives a grant award under this subsection shall establish a plan for the use or distribution of the amount made available under the grant, which shall be submitted to the Secretary, and which shall include information relating to the manner in which the eligible intermediary will either use or distribute that amount, including—

(i) a certification that assistance made available under this subsection will be used to supplement assistance leveraged from private and other non-Federal sources, including assistance made available under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that is devoted to the development of affordable housing for rental by extremely low-income families, or for homeownership assistance for low-income families.

(ii) a certification that the tenant contribution towards rent for a family residing in a unit developed with assistance under this paragraph will not exceed 30 percent of the adjusted income of that family; and

(iii) a certification that any housing developed with assistance under this subsection will remain affordable for extremely low-income families, or low-income families, as applicable, for not less than 40 years.

(iv) a certification that any housing developed with assistance under this subsection will remain affordable for extremely low-income families or low-income families, as applicable, for not less than 40 years; and

(v) an operation of paragraph (2) to 1

(vi) a community revitalization plan; and

(vii) the degree to which the development in which the housing will be located is mixed-income.

(8) PERFORMANCE AND MANAGEMENT OF THE APPLICANT.—

(A) IN GENERAL.—Each State that receives an allocation amount under this title shall establish a performance and management of the applicant that receives a grant award under this subsection shall ensure that the amount made available under the grant is used as follows:

(i) to carry out the eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(ii) the extent of the frequent transportation for the eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(iii) the quality of the frequent transportation for the eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(9) CONSTRUCTION.—

(A) IN GENERAL.—In distributing assistance under this paragraph the Secretary, in accordance with section 28 of the Housing Act of 1937 (42 U.S.C. 1437f-o) on the same basis as section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f), State or local assistance, programs to increase tenant income, cross-subsidization, and any other resources.

(B) COORDINATION WITH OTHER ASSISTANCE.—In distributing assistance under this paragraph, the Secretary shall, to the maximum extent practicable, coordinate such distribution with the provision of other affordable housing assistance by the State, including—

(i) housing credit dollar amounts allocated by the State under section 42(h) of the Internal Revenue Code; and

(ii) assistance made available under the HOME Investment Partnerships Act or the community development block grant program; and

(iii) private activity bonds.

(C) NATIONAL COMPETITION.—

(A) IN GENERAL.—From the amount made available under subsection (b)(2), the Secretary shall award grants on a competitive basis to eligible intermediaries, which shall be used in accordance with paragraph (3) of this subsection.

(B) APPLICATION REQUIREMENTS AND SELECTION CRITERIA.—The Secretary by regulation shall establish application requirements and selection criteria for the award of competitive grants to eligible intermediaries under this subsection, which criteria shall include—

(A) the ability of the eligible intermediary to meet housing needs of low-income families or low-income families, as applicable, for not less than 40 years; and

(B) the ability of the eligible intermediary to use the grant award in accordance with paragraph (3), based on the past performance and management of the applicant, and

(C) the extent to which the eligible intermediary has leveraged funding from private and other non-Federal sources for the eligible activities.

(D) USE OF GRANT AWARD.—

(A) IN GENERAL.—Except as provided in subsection (b)(2), each intermediary that receives a grant award under this subsection shall ensure that the amount made available under the grant is used as follows:

(i) the extent of the frequent transportation for the eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(ii) the extent of the frequent transportation for the eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(iii) the extent of the frequent transportation for the eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(iv) the extent of the frequent transportation for the eligible activities relating to the development of affordable housing for rental by extremely low-income families.

(E) EXCEPTION.—

(i) IN GENERAL.—If the amount made available under a grant award under this subsection is used for a project described in clause (ii), an eligible intermediary may use the amount made available under the grant for eligible activities relating to the development of housing for rental by families whose incomes are less than 60 percent of the area median income, and for homeownership activities for families whose incomes are less than 80 percent of area median income.

(ii) application requirements and selection criteria, which shall be established by the Secretary by regulation.

(10) EFFECTIVE DATE.—This section shall take effect on July 27, 2000.
this paragraph will not exceed 30 percent of the adjusted income of that family; and
(vi) a certification by the applicant that the owner of a project in which any housing
development is involved has the income and non-income resources and non-income
portion of funds.

portion of funds.

non-profit entities can apply for the State's

income households (income under 30% of area

median income) for construction of

median income). For the purpose of this


75% of Trust Fund assistance will be awarded

by HUD through competitive grants to non-

profit intermediaries, who will use and dis-

tribute the funds based on the same criteria

as relevant

for low-income families for rental housing

or for homeownership activi-

ties.

National Competition

National Competition

25% of the Trust Fund will be awarded by

Hud through competitive grants to non-

profit intermediaries, who will use and dis-

tribute the funds based on the same criteria

as relevant

for low-income families for rental housing or

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ties.

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ensure for countless future generations of Americans that there will always be dependable affordable housing options.

Clearly, the National Housing Trust Fund Act is a good step in the right direction. Too many people in our country are lacking a fundamental human necessity—adequate housing. This act would create provisions to mitigate the effects of the critical housing shortage. Trust funds have been developed in the past for other national priorities such as Social Security, highways, and airports. We’re glad that you are doing what you have been asked to do—bringing this housing bill to the Senate floor; the missing link has always been affordable housing. It is imperative that any legislation to increase the supply of affordable housing is responsive to the shortage of affordable housing in America.

Sincerely,

Gerald M. Howard, Senator/Staff Vice President.


Hon. John F. Kerry, Russell Senate Office Building, Washington, DC.

Dear Senator Kerry: On behalf of the national housing finance agencies (HFAs) of the 50 states, the National Council of State Housing Agencies (NCSHA) commends you for introducing the “National Affordable Housing Trust Fund Act” (Trust). Given the tremendous and ever-growing need for decent and affordable housing, this is a laudable effort to leverage these precious resources to their most pressing needs.

In this era of unprecedented economic collapse, the number of families experiencing worst case housing needs has increased dramatically. According to a recent study published by The Center for Housing Policy, 13.7 million families had critical housing needs in 1997, including six million working and nearly four million elderly households. In the face of these alarming statistics, the affordable housing stock has lost over one million units between 1990 and 1996.

Housing need, though great everywhere, varies dramatically among and within the states. In some states, newly produced rental units for low income families is the greatest need. In others, preserving the irreducible core of the existing stock is a pressing need. The sound and efficient administration of the Housing Credit and the Homeownership Voucher Programs (HOPE) are important steps in states’ capacity to administer the Trust Fund.

We look forward to working with you as you move this bill forward to design a delivery system that leverages the private and public sector partners to direct these precious resources to their most pressing needs. Thank you for all you are doing to expand affordable housing opportunity.

Sincerely,

Barbara J. Thompson, Director of Policy and Government Affairs.

NATIONAL LOW INCOME HOUSING Coalition (NLIHC), Washington, DC, July 26, 2000.

Hon. John F. Kerry, U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Kerry: On behalf of the National Low Income Housing Coalition, I am pleased to offer our support for the National Affordable Housing Trust Fund Act of 2000, which you will introduce shortly. NHLHC is a membership organization dedicated solely to ending the affordability crisis for everyone in America. The National Affordable Housing Trust Fund that you propose offers concrete and sustainable resources towards achieving that goal.

The dimensions of the affordable housing crisis are well documented. As you know, no where in the United States can a full time minimum wage worker afford a one-bedroom unit at the fair market rent. The housing wage, that is, the hourly wage one must earn to afford the fair market rent, ranges from $8.02 in West Virginia to $17.01 in Hawaii.

The supply of housing that is affordable to low income families is too small, and the millions of people on fixed incomes are dwindling while the rents of the remaining units are escalating. Even those families that are fortunate enough to receive a housing voucher often are not able to find housing they can afford with the voucher. The need for new affordable housing production resources is serious and urgent.

The Housing Trust Fund provides a dedicated source of funding for the production or rehabilitation of rental housing. The case of excess revenue from FHA and Ginnie Mae for this purpose is sensible housing policy. We are very pleased that a majority of the funds will be targeted to housing that is to be affordable to extremely low income households for at least 40 years. This is the population with the most severe housing problems and the shortage of housing resources available to increase the supply of affordable housing.

We also commend the decision to make operating support an eligible activity for three years in the preference that will demonstrate an ongoing source of operating subsidy.

We look forward to working with you towards passage of this important new federal housing legislation. Thank you for your continued leadership on housing issues in the Congress.

Sincerely,

Sheila Crowley, President.

WASHINGTON, DC, July 26, 2000.

Senator John Kerry, Russell Building, Washington, DC.

Dear Senator Kerry: “They’ve got jobs, they just can’t find housing they can afford,” is the comment we hear from local providers across the country as they talk about the unmet housing needs of an increasing number of families and individuals who have consequently become homeless in their communities. It is, therefore, with great enthusiasm that the National Coalition for the Homeless supports the introduction of the National Affordable Housing Trust Fund, and strongly encourages its expedited enactment and implementation.

As you know, for the past two decades, we have been consistently resounding our commitment to “decent housing for all Americans”. As a result, the need for affordable housing is profound throughout the nation, in communities of diverse sizes and socioeconomic circumstances, and most especially among extremely low-income households. For this reason, we are seeing an unprecedented number of employed men and women who have been forced into homelessness recently vacated a 250-bed single men’s shelter in a urban setting, where 70% of the residents were employed, most full time, and what they got for their efforts, was a thin mat on a concrete floor to call their ‘home’. We are also finding very significant rates of homelessness among families who are doing what they have been asked to do—work for the fair market rent. Ranges of their low-wages are not able to afford stable housing in healthy neighborhoods, which compromises both their long-term employability and the health and well-being of their children. We all want welfare reform to work; the missing link has always been affordable housing.

Knowing that the availability of affordable housing is fundamental to insuring that
working families can expect to meet their basic needs, we are very grateful for your leadership in taking us as a nation down the path of truly valuing individual and family stability through the creation of housing opportunities for those without the resources to do it alone. The National Affordable Housing Trust Fund represents America at her best—opportunity for all. Basic needs should be made available to all among us. Thank you for helping to bring America home again.

Sincerely,

MARY ANN GLEASON,
Housing Policy Analyst.

THE ENTERPRISE FOUNDATION,
Washington, DC.

Hi. John F. Kerry,
Ranking Member, Subcommittee on Housing and Transportation, Committee on Banking, Housing and Urban Affairs, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KERRY:
On behalf of The Enterprise Foundation, the more than 1,500 community development organizations that we represent and the millions of low-income Americans living in poverty, we applaud your efforts to increase the number of permanently affordable homes available for those families most in need by establishing The National Affordable Housing Trust Fund.

As you are aware, Congress passed legislation, the National Affordable Housing Trust Fund of 2000,2 provides additional funding to the states and nonprofit organizations for the development of decent, safe and affordable housing for low-income families.

The Enterprise Foundation is a national nonprofit housing and community development organization dedicated to rebuilding distressed neighborhoods. Central to our mission is to see that all low-income people in the United States have the opportunity for fair and affordable housing and to move up and out of poverty into the mainstream of American life. Therefore, we see firsthand the critical need for this legislation as a way to combat the growing affordable housing crisis facing our nation.

At a time of unprecedented national prosperity, it is unconceivable that an ever larger number of Americans have trouble securing decent, affordable housing. In fact, it is a sign of our booming economy that rents are rising faster than wages for poor working Americans. This historic legislation recognizes at last the time to deal with our nation’s emergency in decent and sanitary housing for low-income Americans.

Your bill strikes a thoughtful balance between devolution to the states and federal innovation. It is an opportunity to spend the majority of the grant funds according to their housing needs but also allows for federal funding of innovative private/public partnerships models as a way to leverage limited public resources.

We look forward to working with you on this bill throughout the legislative process and support your efforts to increase the number of efforts to address the critical housing needs of our nation’s lower-income families. With your support we look forward to continuing our mission to rebuild distressed communities by providing people the tools they need to move out of poverty.

Sincerely,

KRISTIN SIGLIN,
Vice President.

Mr. SARBANES. Mr. President, I come to the floor today to voice my support for the National Affordable Housing Trust Fund Act introduced by Senator Kerry. Establishing a National Affordable Housing Trust Fund is a necessary and timely legislative initiative.

The number of families in our country who live in substandard housing, or pay more than 50 percent of their income for housing costs—the factors considered in determining worst case housing need—is staggering. Recent studies show that 5.4 million American families are classified as worst case housing needs. This is 100,000 more families than were classified as worst case housing needs just last year.

In addition, no family making minimum wage can afford the fair market rent for a two bedroom apartment in any metro area in the country. On average, a person needs to earn over $11 to afford an apartment in any American metro area, but this number is even higher in many parts of the country. For instance, in Baltimore a person must earn over $12 an hour, or $24,000 a year to afford the rent on a two bedroom apartment.

Traditionally, the government has helped families who do not earn enough to afford a place to live with section 8 vouchers. However, in today’s booming real estate market, a section 8 voucher is no guarantee of finding a place to live.

Currently, families in Maryland wait upwards of 31 months to get a section 8 housing voucher. Once they receive the voucher, they face a new challenge: finding an apartment that is affordable for them.

Recent articles in the Washington Post have highlighted the trials of poor working families attempting to find affordable housing both with and without federal assistance. One Fairfax, Virginia woman working full time and living in a shelter called over 30 landlords, none of which had vacancies that she could afford. Another social worker commented that the voucher holders she counseled had to call close to 100 different developments to find a unit.

The reality is that there are simply not enough affordable housing units in our country to meet the needs of low income Americans.

This situation is simply unacceptable. The working poor of our country deserve decent places to live. Adequate housing is an essential need for all Americans. It is the anchor that allows families to thrive.

Children can’t learn if they are forced to attend 3 or 4 schools in a single year as their parents move from friend to friend because they cannot afford the rent, workers can’t find jobs or get training if they spend their days fighting to put a roof over their kids’ heads. A sick person will not get well if they spend her days huddled on a grate, waiting for a bed in an emergency shelter.

Senator KERRY’s bill would address our country’s severe affordable housing crisis by establishing an Affordable Housing Trust Fund that will support the construction of additional affordable housing for low-income families.

The Trust Fund is designed to create long-term affordable, mixed income housing developments in areas where low-income families will have access to transportation, social services, and job opportunities. It is also designed to help in areas where local governments are committed to revitalization. These priorities are explicitly laid out in the legislation.

The bottom line is that we need to provide more resources to states, local governments and non-profits who are working to build more affordable housing. Unless we build more affordable housing we will not be able to solve the housing crisis we have today.

This bill is an opportunity for us to take advantage of our booming economy to do this. I encourage my colleagues to jump in supporting National Affordable Housing Trust Fund Act.

Mr. WELSTONE. Mr. President, I am proud to join my colleagues here today as co-sponsor of this bill which standard housing. Who are these 12.3 million people? 1.5 million are elderly persons, 4.3 million are children and between 1.1 and 1.4 million are adults with disabilities. We can afford to do better. This is a prosperous nation that can afford to solve this problem.

In may own states of Minnesota, a worker must earn $11.54 an hour, 40 hours a week, 52 weeks out of the year to afford a fair market rent for a two bedroom apartment. That’s more than double the minimum wage. In fact, to afford a two bedroom apartment at minimum wage, families must work 88 hours a week. That’s barely possible for a two parent family, not to mention impossible for single parent families.

The poorest families are particularly hard hit. In Minneapolis-St. Paul, a study conducted by the Family Housing Fund found 88,900 renters with incomes below $10,000 in Minneapolis-St. Paul and only 31,200 housing units with rents affordable to those families. That is more than two families for each unit affordable to a family at that income level and there is every indication it is getting worse.

Given this information, it isn’t hard to understand why the number of families entering emergency shelters and
using emergency food pantries is on the rise. In fact, more and more of the homeless are working full time and are still unable to find housing.

Mr. President, we must do more. The shortage of affordable housing is so drastic that in Minneapolis-St. Paul, like many other cities, families fortunate enough to receive housing vouchers cannot find a rental unit. Landlords are becoming increasingly selective given the demand for housing and are requiring three months security deposit, often based on the credit history of the applicants...

Mr. President, I am proud to be part of this effort that will generate more affordable housing for low income families. We must act now because the families we are all hearing from our constituents. There is not one town, county or metropolitan area in this nation where a family can afford a two bedroom fair market rental. In Minneapolis-St. Paul, for example, the rate of inflation for the same period.

The Family Housing Fund reported that between 1995 and 1997 rents skyrocketed in some communities to a level that businesses cannot retain workers because their workers cannot afford to live in those communities. The shortage of housing is making it difficult for communities to retain some of our most essential workers. Police, firemen, teachers are all being priced out of the very communities they seek to serve.

Families respond to the shortage of housing by crowding into smaller units. Perhaps they rent seriously substandard housing, exposing their children to lead poisoning, living in neighborhoods where they don’t feel safe allowing their children to play outdoors. Perhaps they pay more than the recommended 30 percent of their income in rent, maybe 40 percent, 50 percent or more.

Mr. President, in a recent study of homelessness, a one bedroom efficiency. Perhaps they rent rental units. An efficiency. A one bedroom. An efficiency. Perhaps...
At the request of Mr. Abraham, the names of the Senator from Oregon (Mr. Wyden), the Senator from Massachusetts (Mr. Kennedy), and the Senator from Alabama (Mr. Sessions) were added as cosponsors of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

At the request of Mr. Mckay, the name of the Senator from Wyoming (Mr. Enzi) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

At the request of Mr. Grassley, the name of the Senator from North Carolina (Mr. Helms) was added as a cosponsor of S. 1020, a bill to amend title VI of the Stewart B. McKinney Homeless Assistance Act to help fund the National Park Service, the National Park Police, other necessary employees of the National Park Service, the Fairbanks-Michener Act, and to provide grants to States for the purposes of the Senator from Iowa (Mr. Harkin) was added as a cosponsor of S. 1065, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

At the request of Mrs. Murray, the name of the Senator from Iowa (Mr. Harkin) was added as a cosponsor of S. 1065, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

At the request of Mr. McConnell, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 1109, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear visceras and items, products, or substances containing, or labeled or advertised as containing, bear visceras, and for other purposes.

At the request of Mr. Akaka, the name of the Senator from Delaware (Mr. Roth) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

At the request of Mr. Baucus, the name of the Senator from Hawaii (Ms. Inouye) was added as a cosponsor of S. 1508, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

At the request of Mrs. Feinstein, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

At the request of Mr. Mowynihan, the name of the Senator from Arkansas (Ms. Collins), the name of the Senator from Maine (Ms. Snowe), and the Senator from Delaware (Mr. Roth) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

At the request of Mr. Johnson, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 2408, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child’s congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

At the request of Mr. Johnson, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 2408, a bill to restore health care coverage to retired members of the uniformed services.

At the request of Mrs. Hutchison, the names of the Senator from Ohio (Mr. Voogd), and (Mr. DeWine) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program.

At the request of Mr. Gorton, the name of the Senator from Minnesota (Mr. Grams) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

At the request of Mr. Grassley, the name of the Senator from Iowa (Mr. Grassley) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

At the request of Mr. Cramer, the name of the Senator from Montana (Mr. Baucus) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

At the request of Mr. Bingaman, the names of the Senator from Maine (Ms. Collins), the Senator from Utah (Mr. Hatch), the Senator from California (Mr. Feinstein), the Senator from Idaho (Mr. Crapo), the Senator from Maine (Ms. Snowe), and the Senator from Delaware (Mr. Roth) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

At the request of Mr. Johnson, the name of the Senator from Iowa (Mr.
HARKIN] was added as a cosponsor of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

At the request of Mr. Grassley, the name of the Senator from Louisiana (Mr. Breaux) was added as a cosponsor of S. 2608, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers.

At the request of Mr. Harkin, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 2610, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas.

At the request of Mr. L. Chafee, the names of the Senator from Delaware (Mr. Biden), the Senator from Washington (Mrs. Murray), the Senator from Arizona (Mr. McCain), and the Senator from Delaware (Mr. Roth) 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, and to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas.

At the request of Mr. Wellstone, his name was added as a cosponsor of S. 2763, 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 are determined for postmasters are established.

At the request of Mr. Santorum, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low-income elderly persons, disabled persons, and other families.

At the request of Mr. Johnson, his name was added as a cosponsor of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

At the request of Mr. Biden, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

At the request of Mr. Lautenberg, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

At the request of Mr. Breaux, the name of the Senator from Ohio (Mr. Voinovich) was added as a 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.

At the request of Mr. Frist, the names of the Senator from Kansas (Mr. Roberts) and the Senator from Mississippi (Mr. Cochran) were added as cosponsors of S. 2807, supra.

At the request of Mr. Cleland, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 2824, a bill to authorize the President to award a gold medal on behalf of Congress to General Wesley K. Clark, United States Army, in recognition of his outstanding leadership and service during the military operations against the Federal Republic of Yugoslavia (Serbia and Montenegro).

At the request of Mr. Risch, the name of the Senator from New Jersey (Mr. Lautenberg) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

At the request of Mr. Moynihan, the name of the Senator from Oklahoma (Mr. Nickles) was added as a cosponsor of S. 2874, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

At the request of Mr. Smith of New Hampshire, the name of the Senator from Vermont (Mr. Leahy) was added as a cosponsor of S. 2878, a bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

At the request of Ms. Collins, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 2923, a bill to amend title XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes.

At the request of Mr. Feingold, the names of the Senator from New Jersey (Mr. Torricelli) and the Senator from Colorado (Mr. Campbell) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

At the request of Mr. Fitzgerald, the names of the Senator from Michigan (Mr. Abraham), the Senator from New Jersey (Mr. Torricelli), the Senator from Connecticut (Mr. Lieberman), and the Senator from Maryland (Mr. Sarbanes) were added as cosponsors of S. Con. Res. 127, a concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece.

At the request of Mr. Abraham, the names of the Senator from Alabama (Mr. Sessions), the Senator from Minnesota (Mr. Grams), and the Senator from Ohio (Mr. Voinovich) were added as cosponsors of S. Con. Res. 130, a concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

At the request of Mrs. Lincoln, the names of the Senator from North Dakota (Mr. Conrad), the Senator from Illinois (Mr. Durbin), the Senator from California (Mrs. Boxer), the Senator from Indiana (Mr. Bayh), the Senator from Massachusetts (Mr. Kerry), and the Senator from Nevada (Mr. Reid) were added as cosponsors of S. Con. Res. 130, supra.

At the request of Mr. Moynihan, the names of the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kerry), the Senator from New Jersey (Mr. Lautenberg), and the Senator from Vermont (Mr. Leahy) were added as cosponsors of S.J. Res. 49, a joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

At the request of Mr. Crapo, the names of the Senator from Nebraska (Mr. Hagel), the Senator from Utah (Mr. Bennett) and the Senator from Texas (Mrs. Hutchison) were added as cosponsors of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

At the request of Mrs. Lincoln, her name was added as a cosponsor of S.J. Res. 50, supra.

At the request of Mr. Biden, the names of the Senator from Louisiana. [45x762]
S. CON. RES. 132
Resolved by the Senate (the House of Representa-
tives concurring), That the Secretary of the Senate, in the enrollment of the bill (S.1809) to improve service systems for indi-
viduals with developmental disabilities, and for other purposes, shall make the following corrections:
(1) Strike "1999" each place it appears and insert "2000".
(2) In section 101(a)(2), strike "are" and insert "were".
(3) In section 101(a)—
(A) in paragraphs (1), (3), (4), strike "2000" each place it appears and insert "2001"; and
(B) in paragraph (4), strike "fiscal year 2001" and insert "fiscal year 2002".
(4) In section 124(c)(4)(B)(i), strike "2001" and insert "2002".
(5) In section 125(c)—
(A) in paragraph (5)(H), strike "access" and insert "access"; and
(B) in paragraph (7), strike "2001" and insert "2002".
(6) In section 129(a)—
(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and
(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".
(7) In section 144(e), strike "2001" and insert "2002".
(8) In section 145—
(A) strike "fiscal year 2000" and insert "fiscal year 2001"; and
(B) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007".
(9) In section 156—
(A) in subsection (a)(1)—
(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and
(ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and
(B) in subsection (b)—
(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and
(ii) strike "fiscal years 2001 through 2006" and insert "fiscal years 2002 through 2007"; and
(B) in subsection (b)—
(i) strike "fiscal year 2000" and insert "fiscal year 2001"; and
(ii) strike "fiscal years 2001 and 2002" and insert "fiscal years 2002 and 2003".

S. CON. RES. 133
Resolved by the Senate (the House of Representa-
tives concurring), That the Majority Leader of the Senate, acting after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Sen-
ate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

S. RES. 339
At the request of Mr. Inhofe, the names of the Senator from Mississippi (Mr. Cochran) and the Senator from Illi-
nois (Mr. Durbin) were added as cosponsors of S. Res. 339, a resolution designating the week beginning Sep-
tember 24, 2000, as "National Amputee Awareness Week."

S. RES. 340
At the request of Mr. Reid, the names of the Senator from Maryland (Mr. Gramm), the Senator from North Carolina (Mr. Edwards), the Senator from California (Mrs. Boxer), and the Senator from Vermont (Mr. Jeffords) were added as cosponsors of S. Res. 340, a resolution designating November 18, 2000, as "National Survivors of Suicide Day."

S. RES. 341
At the request of Mr. Reid, the names of the Senator from Texas (Mr. Gramm), the Senator from New Jersey (Mr. Torricelli), the Senator from Ne-
braska (Mr. Hagel), the Senator from Vermont (Mr. Jeffords), and the Senator from Illinois (Mr. Durbin) were added as cosponsors of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

S. CON. RES. 132
Resolved by the Senate (the House of Representa-
tives concurring), That, in consonance with section 132(a) of the Legislative Reorga-
nization Act of 1946, when the Senate re-
cesses or adjourns at the close of business on
Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion of-
fered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand
recessed or adjourned until noon on
Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such
time on either day as may be specified by its Majority Leader or his designee in the
motion to recess or adjourn, or until noon on
Wednesday, September 6, 2000, or until such
time on either day as may be specified by its Majority Leader or his designee in the
motion to recess or adjourn, or until noon on

S. RES. 345
Designating October 17, 2000, as "A Day of National Concern About Young People and Gun Violence"

Mrs. MURRAY (for herself, Mr. WARNER, Mrs. BINGHAM, Mrs. BOXER, Mr. CAMPBELL, Mr. COLBY, Mr. SMITH, Mr. DODD, Mrs. FEINSTEIN, Mr. Gorton, Mrs. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEARY, Mr. LEVIN, Ms. MIKULSKI, etc. have a vested interest in Mr. Roberts, Mr. SARBANES, Mr. SCHUMER, Mr. SPEC-
TATER, Mr. TORRICELLI, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 348
Whereas every day in the United States, 12 children under the age of 19 are killed with guns;

Whereas 31 percent of children aged 12 to 17 know someone in that age bracket who carries a gun;

Whereas during the 1996-1997 school year, 5,724 students were expelled for bringing guns or explosives to school;

Whereas the homicide rate for children under 15 years of age is 16 times higher in the United States than in 25 other industrialized nations;

Whereas over the past year, at least 50 peo-
ple have been killed or injured in school shootings in the United States;

Whereas young people are our Nation's most important resource, and we, as a soci-
ety, have a vested interest in helping children to grow in an environment free from fear and violence;

Whereas young people can, by taking re-
Sponsibility for their own decisions and ac-

tions, and by positively influencing the deci-
sions and actions of others, help chart a new
and less violent direction for the entire Na-
tion;

Whereas students in every school district in the Nation will be invited to take part in a
day of nationwide observance involving millions of their fellow students, and will thereby be empowered to see themselves as significant agents in a wave of positive social change; and

 Whereas the observance of October 17, 2000, as a "Day of National Concern About Young People and Gun Violence" will allow stu-
dents to make a positive and earnest deci-
sion about their future in that such students will have the opportunity to voluntarily sign the "Student Pledge Against Gun Violence", and promise that they will never take a gun to school, will never use a gun to settle a dis-
pute, and will actively use their influence in a positive manner to prevent friends from using guns to settle disputes: Now, therefore, be it:

Resolved. That the Senate—
(1) designates October 17, 2000, as a "Day of National Concern About Young People and Gun Violence"; and
(2) requests that the President issue a proclamation calling on the school children of the United States to observe the day with appropriate ceremonies and activities.
pass the Senate for the past four years unanimously. My resolution, which I am introducing today with Senator WARNER and 31 original co-sponsors establishes October 17, 2000, as a “Day of National Concern about Young People and Gun Violence.” For the last several years, I have sponsored this legislation. I am pleased that Senator WARNER has joined me again in leading the co-sponsorship drive as we pledge to our young people across the nation that we support their strong efforts to help stop the violence in their own schools and communities. I thank Senator WARNER for his help and partnership.

Sadly, this resolution has special meaning for all of us after the tragic events that occurred in the last couple of years. School shootings across the nation have paralyzed communities and shocked the country. In recent years, we’ve seen school shootings from Mississippi to Oregon. In fact, just two weeks ago, a thirteen year old boy in Seattle, Washington, opened fire in a crowded cafeteria at his junior high school. Luckily no one was hurt. These events have touched us all. Adults and young people alike have been horrified by the violence that has occurred in our schools, which should be a safe haven for our children. We are left wondering what we can do to prevent these tragedies.

I am again introducing this resolution because I am convinced the best way to prevent gun violence is by reaching out to individual children and helping them make the right decisions. This resolution establishes a special day that gives parents, teachers, government leaders, service clubs, police departments, and others a way to focus on the problems caused by gun violence. It also empowers young people to take affirmative steps to end this violence by encouraging them to take a pledge not to use guns to resolve disputes.

A Minnesota homemaker, Mary Lewis Grow, developed the idea of a Day of National Concern about Young People and Gun Violence. In addition, Mothers Against Violence in America, the National Parent Teacher Association, the American Federation of Teachers, the National Association of Student Councils, and the American Medical Association have joined the effort to establish a special day to express concern about our children and gun violence and to support a national effort to encourage students to sign a pledge against gun violence. In 1999, more than two million students across the nation signed the pledge card.

The Student Pledge Against Gun Violence gives students the chance to make a promise, in writing, that they will do their part to prevent gun violence. The students’ pledge promises three things: (1) they will never carry a gun to school; (2) they will never resolve a dispute with a gun; and (3) they will use their influence with friends to discourage them from resolving disputes with guns.

Just think of the lives we could have saved if all students had signed—and lived up to—such a pledge last year. Twelve children would have been alive today and 50 people would have escaped injury from a school shooting. The reality is we’ve lost many children in what has become the all-too-common violence of drive-by shootings, drug wars, and other crime and in self-inflicted and unintentional shootings.

We all have been heartened by statistics showing crime in America on the decline. Many factors are involved, including community-based policing, stiffer sentences for those convicted, youth crime prevention programs, and changes in population demographics. Nevertheless, our success is because we still have far too much crime and violence in our society. So, we must find the solutions that work and focus our limited resources on those. We must get tough on violent criminals—even of they are young—to protect the rest of society from their terrible actions. And we, each and every one of us, must make time to spend with our children, our neighbor’s children, and the children who have no one else to care about them. Only when we reach out to our most vulnerable citizens—our kids—will we stop youth violence.

I urge all of my colleagues to join in this simple effort to focus attention on gun violence among youth by proclaiming October 17 a “Day of Concern about Young People and Gun Violence.” October is National Crime Prevention Month—the perfect time to center our attention of the special needs of our kids and gun violence. We introduce this resolution today in the hopes of getting every Senator to co-sponsor it prior to this passage, which we hope will occur in early September. This is an easy step for us to help facilitate the work that must go on in each community across America, as parents, teachers, friends and students try to prevent gun violence before it ruins any more lives.

Mr. WARNER. Mr. President, I rise today to once again introduce a resolution with my colleague from Washington, Senator MURRAY, to establish October 17, 2000, as the Day of National Concern about Young People and Gun Violence.

According to Health and Human Services Secretary Donna Shalala, 10 children and teens across the country are killed by firearms each day. This statistic is an alarming one, but, nevertheless, statistics can be so imper-sonal. We must remember that these 10 children lost everyday are real people. They are children, they are brothers, they are sisters, and they are grandchildren to real people. They are also a lost part of our future as a country. When put in real terms such as this, it is difficult to imagine a more important task facing our great nation than eliminating gun violence among America’s youth.

We all remember the events in Conyers, Georgia; Littleton, Colorado; Peal, Mississippi; West Paducah, Kentucky; Jonesboro, Arkansas; and Springfield, Oregon. Neighborhoods in these areas have all been home to horrific school shootings. Youth gun violence, however, is not limited to these too often incidences of school shootings. America has lost thousands of children in what has become the all-too-common violence of drive-by shootings, drug wars and other crimes, as well as in self-inflicted and unintentional shootings.

The good news in our fight against youth gun violence is that child gun deaths in America have fallen every year since 1994. Nevertheless, Mr. President, 10 deaths a day is too many.

While there is no simple solution as to how to stop youth violence, a Minnesota homemaker, Mary Lewis Grow, developed the idea of a Day of National Concern about Young People and Gun Violence. I believe this idea is a step in the right direction, as do such groups as Mothers Against Violence in America, the National Association of Student Councils, the American Federation of Teachers, the National Parent Teacher Associations, and the American Medical Association.

Simply put, this resolution will establish October 17, 2000, as the Day of National Concern about Young People and Gun Violence. On this day, students in every school district in the Nation will be invited to voluntarily sign the “Student Pledge Against Gun Violence.” By signing the pledge, students promise that they will never take a gun to school, will never use a gun to settle a dispute, and will use their influence in a positive manner to prevent friends from using guns to settle disputes.

Just last year over 2 million young Americans signed the Student Pledge Against Gun Violence. I am confident the number of student’s signing this year’s pledge will be even greater. Though this resolution is not the ultimate solution to preventing future tragedies, if it stops even one incident of youth gun violence, this resolution will be invaluable. I urge all of my colleagues to join in this resolution to focus attention on gun violence among youth.
SENATE RESOLUTION 346—ACKNOWLEDGING THAT THE UNDEFEATED AND UNTIED 1951 UNIVERSITY OF SAN FRANCISCO FOOTBALL TEAM SUFFERED A GRAVE INJURY BY NOT BEING INVITED TO ANY POST-SEASON BOWL GAME DUE TO RACIAL PREJUDICE THAT PREVAILED AT THE TIME AND SEEKING APPROPRIATE RECOGNITION FOR THE SURVIVING MEMBERS OF THAT CHAMPIONSHIP TEAM

Mrs. BOXER submitted the following resolution; which was considered and agreed to:

S. Res. 346

Whereas the 1951 University of San Francisco Dons football team completed its championship season with an unblemished record;

Whereas this closely knit team failed to receive an invitation to compete in any post-season bowl game because two of its players were African-American;

Whereas the 1951 University of San Francisco Dons football team courageously and rightly rejected an offer to play in a Bowl game without their African-American teammates;

Whereas this exceptionally gifted team, for the most objectionable of reasons, was deprived of the opportunity to prove itself before a national audience;

Whereas ten members of this team were drafted into the National Football League, five played in the Pro Bowl and three were drafted into the National Football League, thus prived of the opportunity to prove itself before the nation;

Whereas the 1951 University of San Francisco Dons football team courageously and rightly rejected an offer to play in a Bowl game without their African-American teammates;

Whereas our Nation has made great strides in overcoming the barriers of oppression, intolerance, and discrimination in order to ensure fair and equal treatment for every American by every American; and

Whereas it is appropriate and fitting to now offer these athletes the attention and accolades they earned but were denied;

Now, therefore be it

Resolved, That the Senate—

(1) applauds the undefeated and untied 1951 University of San Francisco Dons football team for its determination, commitment and integrity both on and off the playing field; and

(2) acknowledges that the treatment endured by this team was wrong and that recognition for its accomplishments is long overdue.

AMENDMENTS SUBMITTED

JUSTICE FOR VICTIMS OF TERRORISM ACT

MACK (AND OTHERS) AMENDMENT NO. 4021

(Ordered to lie on the table.)

Mr. MACK (for himself, Mr. LAUTENBERG, Mr. LEAHY, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill (S. 1796) to modify the enforcement of certain anti-terrorism judgments, and for other purposes; as follows:

SECTIO N 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) Short Title.—This section may be cited as the "Justice for Victims of Terrorism Act".

(b) Definition.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3) by striking the period and inserting "and inserting";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking "(b)" through "entity—" and inserting the following:

"(b) An 'agency or instrumentality of a foreign state ' means—

"(1) any entity—;

and

"(D) by adding at the end the following:

"(2) for purposes of sections 1605(a)(7) and 1610(a)(7) and (f), any entity as defined under subparagraph (A) of paragraph (1) and subparagraph (C) of paragraph (1) shall not apply.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1931(f)(3) of title 28, United States Code, is amended by striking "1963(b)" and inserting "1963(b)(1)".

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking "(including any agency or instrumentality or such state)" and inserting "(including any agency or instrumentality of such state)";

and

(B) by adding at the end the following:

"(C) Notwithstanding any other provision of law, moneys due from or payable by the United States to any agency, sub-agency, division or instrumentality thereof or to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution, in like manner and to the same extent as if the United States were a private person.;" and

(2) by adding at the end the following:

"(D)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations;

and

(B) A waiver under this paragraph shall not apply—

"(i) if property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations is used for any nondiplomatic purpose (including use as rental property), the proceeds of such use;

or

"(ii) if any asset subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

"(C) In this paragraph, the term 'property subject to the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, or the Convention on the Privileges and Immunities of the United Nations' means—

"(1) any property or asset, respectively, transferred for value to a third party, or

"(2) any asset transferred for value to a third party, or

"(3) any asset transferred for value to a third party, or

"(4) any asset transferred for value to a third party, or

There is no other text in the document. The text is split into two sections: the resolution and the amendment. The amendment proposes changes to the enforcement of certain anti-terrorism judgments, including expanding the definition of "agency or instrumentality of a foreign state" and modifying the enforcement of judgments under the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations. The amendment also introduces new provisions for waivers in national security cases.
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(42 U.S.C. 10603(b)) amends by striking “1404(d)(4)(B)” and inserting “1402(d)(5)”.

(b) AMENDMENTS TO EMERGENCY RESERVE FUND.—

(A) GAP CLOSE.—Section 1402(d)(5)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)(A)) is amended by striking “$50,000,000” and inserting “$100,000,000”.

(B) TRANSFER.—Section 1402(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(e)) is amended by striking “in excess of $500,000” and all that follows through “than $500,000” and inserting “shall be available for deposit into the emergency reserve fund referred to in subsection (d)(5) at the discretion of the Director. Any remaining unobligated sums”.

(c) AMENDMENTS TO VICTIMS OF INTERNATIONAL TERRORISM.—

(1) IN GENERAL.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended by inserting after section 1404B the following:

“SEC. 1404C. COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—

(a) DEFINITIONS.—In this section:

(1) INTERNATIONAL TERRORISM.—The term ‘international terrorism’ has the meaning given the term in section 2331 of title 18, United States Code.

(2) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(3) VICTIM.—

(A) IN GENERAL.—The term ‘victim’ means a person who—

(i) suffered direct physical or emotional injury or death as a result of international terrorism occurring on or after December 21, 1988 with respect to which an investigation or prosecution was ongoing after April 24, 1996; and

(ii) as of the date on which the international terrorism occurred, was a national of the United States or an officer or employee of the United States Government.

(B) INCOMPETENT, INCAPACITATED, OR DECEASED VICTIM.—In the case of a victim who is less than 18 years of age, incompetent, incapacitated, or deceased, a family member or legal guardian of the victim may receive the compensation under this section on behalf of the victim.

(C) EXCEPTION.—Notwithstanding any other provision of this section, in no event shall an individual who is criminally culpable for a national terrorist violence receive any compensation under this section.

(d) AMENDMENTS TO EMERGENCY RESERVE FUND.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended by adding at the end the following: ‘Notwithstanding any other provision of law, all sums deposited in the Fund in any fiscal year that are not made available for obligation by Congress in the subsequent fiscal year shall remain in the Fund for obligation in future fiscal years, without fiscal year limitation.’

COAST GUARD AUTHORIZATION ACT OF 1999

SNOWEO (AND KERRY) AMENDMENT NO. 4022

Mr. CAMPBELL (for Ms. Snowe (for herself and Mr. Kerry)) proposed an amendment to the bill (S. 1089) to authorize for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. TITLE.

This Act may be cited as the “Coast Guard Authorization Act of 2000.”

TITLE 1—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,781,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(3) For research, development, test, and evaluation, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(b) FISCAL YEAR 2001.—

(1) For the operation and maintenance of the Coast Guard, $2,801,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $23,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,899,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the construction, acquisition, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $250,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 101(a)(5) of the Oil Pollution Act of 1990, and of which $30,000,000 shall be available for the construction and acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard’s mission, and in support of search and rescue, aids to navigation, marine safety, and environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $24,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman’s Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,700,000, to remain available until expended.

For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,500,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002 as such sums as may be necessary, of which $6,000,000 shall be available for construction or acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized and directed to maintain a strength at the level of 15,000 military personnel of 60,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For fiscal year 2000, the Coast Guard is authorized to train 5,000 student years.
(4) For officer acquisition, 1,000 student years.

(e) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 44,000 as of September 30, 2001.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(a) For recruit and special training, 1,500 student years.

(b) For flight training, 125 student years.

(c) For professional training in military and civilian institutions, 300 student years.

(d) For officer acquisition, 1,000 student years.

SEC. 103. LORAN-C.

(a) FISCAL YEAR 2001.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $20,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the appropriated amounts to the appropriation for the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $40,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 104. PATROL CRAFT.

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC-170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure required for PC-170 patrol craft.

SEC. 105. CARIBBEAN SUPPORT TENDER.

The Coast Guard is authorized to operate and maintain a Caribbean Support Tender (or similar type vessel) to provide technical assistance in support of law enforcement training, for foreign coast guards, navies, and other maritime services.

TITe II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking “commander” and inserting “band director”.

SEC. 202. COAST GUARD MEMBERSHIP ON THE BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

“(C) The Secretary of Transportation, or the Secretary of Commerce, when the Coast Guard is not operating under the Department of the Navy; and”.

SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

“§ 511. Compensatory absence from duty for military personnel at isolated duty stations

“The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel at isolated duty stations for time lost due to isolation from normal commuting distances or from normal travel time required to return from isolated duty stations. The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel at isolated duty stations for time lost due to isolation from normal commuting distances or from normal travel time required to return from isolated duty stations.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

“§ 511. Compensatory absence from duty for military personnel at isolated duty stations.”

SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 229, by striking at the end a new subsection (c) to read as follows:

“(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 227(a), for promotion to the rank of lieutenant commander. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in paragraphs (1) and (2) of subsection (b); where the percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.”;

(2) in section 259(a), by inserting “and the names of those officers recommended to be advanced to the top of the list of selectees promulgated by the Secretary under section 227(a) of this title after “promotion”; and

(3) in section 259(a)(2), by inserting at the end thereof the following: “The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.”.

SEC. 205. COAST GUARD ACADEMY BOARD OF TRUSTEES.

(a) IN GENERAL.—Section 193 of title 14, United States Code, is amended to read as follows:

“(a) Board of Trustees.—The Commandant of the Coast Guard may establish a Coast Guard Academy Board of Trustees to provide advice to the Commandant and the Superintendent on matters relating to the operation of the Academy and its programs.

“(b) Composition.—The Commandant shall appoint the members of the Board of Trustees, which may include persons of distinction in education and other fields related to the mission and operation of the Academy. The Commandant shall appoint a chairperson from among the members of the Board of Trustees.

“(c) EXPENSES.—Members of the Board of Trustees who are not Federal employees shall be allowed travel expenses while away from their homes or regular places of business in the performance of the duties of the Board of Trustees. Travel expenses include per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

“(d) FACs NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board of Trustees established pursuant to this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 611 of title 14, United States Code, is amended by striking “Advisory Committee” and inserting “Board of Trustees”.

(2) The chapter analysis for chapter 9 of title 14, United States Code, is amended by striking the item relating to section 193, and inserting the following: “193. Board of Trustees”.

SEC. 206. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.

Section 302(d)(1)(t) of title 37, United States Code, is amended by inserting “an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,” after “nurse,”.

SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Procedures promulgated by the Secretary of Defense under section 633(a) of the National Defense Authorization Act for Fiscal Year 1997 (Pub. L. 104-201) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under section 633 of that Act.

SEC. 208. EXTENSION OF COAST GUARD HOUSING AUTHORITIES.

Section 689 of title 14, United States Code, is amended by striking “2001.” and inserting “2006.”.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIO TELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking “United States inside the line established pursuant to section 2 of the Treaty of February 22, 1922, as amended.” and inserting “United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5929 of December 27, 1988.”.

SEC. 302. ICEBREAKING SERVICES.

The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs unless and until the Commandant certifies to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that sufficient assets have been procured by the Coast Guard to mediate any degradation in current
icebreaking services that would be caused by such decommissioning.

SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.


(b) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9569 note) is amended—

(1) by striking ‘‘A’’ in subsection (h); and

(2) by striking ‘‘(B) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.’’.

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting ‘‘To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, such monies may be borrowed from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.’’.

SEC. 305. MERCHANT MARINER DOCUMENTATION REQUIREMENTS.

(a) INTERIM MERCHANT MARINERS’ DOCUMENTS.—Section 7302 of title 46, United States Code, is amended—

(1) by striking ‘‘A’’ in subsection (f) and inserting ‘‘Except as provided in subsection (g),’’; and

(2) by adding at the end the following:

‘‘(g)(1) The Secretary may, pending receipt and review of information required under subsections (c) and (d), immediately issue an interim merchant mariner’s document valid for a period not to exceed 120 days, to—

(A) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner’s document issued under this section.

(2) by redesigning paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

‘‘(9) a passenger vessel not engaged in a foreign voyage, to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; or

‘‘(10) an individual seeking renewal of, or qualifying for a supplemental endorsement to, a valid merchant mariner’s document issued under this section.’’.

(b) EXCEPTION.—Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ‘‘and’’ after the semicolon in paragraph (8); and

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

‘‘(9) a passenger vessel not engaged in a foreign voyage, to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and’’.

SEC. 306. PENALTIES FOR NEGLIGENCE OPERATIONS AND INTERFERING WITH SAFE OPERATION.

Section 2005 of title 46, United States Code, is amended by striking ‘‘$1,000.’’ and inserting ‘‘$25,000.’’.

SEC. 307. AMENDMENT OF DEATH ON THE HIGH SEAS ACT.

(a) RIGHT OF ACTION.—The first section of the Act of March 30, 1920 (46 U.S.C. App. 761; popularly known as ‘‘Death on the High Seas Act’’) is amended—

(1) by striking ‘‘accident’’ in subsection (b) and inserting ‘‘accident, or an accident involving a passenger on a vessel other than a passenger vessel nor engaged in foreign service; or a recreational vessel or an individual on a recreational vessel (other than a member of the crew engaged in the business of the recreational vessel who has not contributed consideration for carriage and who is paid for on-board services),’’; and

(2) by adding at the end the following:

‘‘(c) PASSENGER; RECREATIONAL VESSEL.—In this section:

‘‘(1) PASSENGER.—The term ‘passenger’ has the meaning given that term by section 2101(2) of title 46, United States Code.

‘‘(2) RECREATIONAL VESSEL.—The term ‘recreational vessel’ has the meaning given that term by section 2101(25) of title 46, United States Code.’’.

(b) AMOUNT AND APPORTIONMENT OF RECOVERY.—Section 2(b)(1) of that Act (46 U.S.C. App. 762(b)(1)) is amended—

(1) by striking ‘‘accident’’ in paragraph (1) and inserting ‘‘accident, or an accident involving a passenger on a vessel other than a passenger vessel nor engaged in foreign service; or a recreational vessel or an individual on a recreational vessel (other than a member of the crew engaged in the business of the recreational vessel who has not contributed consideration for carriage and who is paid for on-board services),’’; and

(2) by striking the last sentence of subsection (a)(1) and inserting the following:

‘‘Effective Date.—The amendments made by this section apply to any death after November 22, 1993.’’

TITLE IV—RENEWAL OF ADVISORY COMMITTEES

SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 9008 of title 46, United States Code, is amended—

(1) by inserting ‘‘Safety’’ in the heading of subsection (a)(2); and

(2) by inserting ‘‘lift’’ in subsection (a)(3).

(b) AMOUNT AND APPORTIONMENT OF RECOVERY.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended—

(1) by striking ‘‘Secretary’’ in subsection (a)(1) and inserting ‘‘Secretary, through the Commandant of the Coast Guard,’’; and

(2) by striking ‘‘Secretary’’ in subsection (a)(4)(A) and inserting ‘‘Commandant,’’.

(c) EFFECTIVE DATE.—The amendments made by this section apply to any death after November 22, 1993.

SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18 of the Coast Guard Authorization Act of 1991 is amended—

(1) by striking ‘‘Secretary’’ in the second sentence of subsection (a)(1) and inserting ‘‘Commandant of the Coast Guard’’;

(2) by striking ‘‘Secretary’’ in the third sentence of subsection (a)(1) and inserting ‘‘Commandant, through the Commandant’’; and

(3) by striking ‘‘September, 2000’’ in subsection (g) and inserting ‘‘September, 2005’’.

SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended—

(1) by striking ‘‘Secretary’’ in subsection (a)(1) and inserting ‘‘Secretary, through the Commandant of the Coast Guard,’’; and

(2) by striking ‘‘Secretary’’ in subsection (a)(4)(A) and inserting ‘‘Commandant,’’.

(c) EFFECTIVE DATE.—The amendments made by this section apply to any death after November 22, 1993.

SEC. 404. NATIONAL BOATING SAFETY ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended—

(1) by striking ‘‘Secretary’’ in subsection (a)(1) and inserting ‘‘Secretary, through the Commandant of the Coast Guard,’’; and

(2) by striking ‘‘Secretary’’ in subsection (a)(4)(A) and inserting ‘‘Commandant,’’.

(c) EFFECTIVE DATE.—The amendments made by this section apply to any death after November 22, 1993.

SEC. 405. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking ‘‘Secretary’’ in the first sentence of subsection (b) and inserting ‘‘Secretary, through the Commandant of the Coast Guard’’;

(2) by striking ‘‘Secretary’’ in the third sentence of subsection (b) and inserting ‘‘Commandant, through the Commandant’’; and

(3) by striking ‘‘September, 2000’’ in subsection (d) and inserting ‘‘September, 2005’’.

SEC. 406. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended—

(1) by striking ‘‘consult’’ in subsection (c) and inserting ‘‘consult, through the Commandant of the Coast Guard’’; and

(2) by striking ‘‘September, 2000’’ in subsection (e) and inserting ‘‘September, 2005’’.

SEC. 407. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 20803) is amended—

(1) by striking ‘‘Secretary’’ in the second sentence of subsection (b) and inserting...
“Secretary, through the Commandant of the Coast Guard”; and
(2) by striking “Secretary” in the first sentence of subsection (c) and inserting “Secretary, through the Commandant.”
(3) by striking “Committee” in the third sentence of subsection (c) and inserting “Committee, through the Commandant.”
(4) by striking “Secretary” in the fourth sentence of subsection (c) and inserting “Commandant.”; and
(5) by striking “September 30, 2000.” in subsection (e) and inserting “September 30, 2005.”.

TITLE V—MISCELLANEOUS.

SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF NSLB RECOMMENDATIONS.

The Commandant of the United States Coast Guard has made written report to the Committee on Commerce, Science, and Transportation within 90 days after the date of enactment of this Act on what actions the Coast Guard has taken to implement the recommendations of the National Transportation Safety Board in its Report No. MAR-99-01. The report—

(1) will describe in detail, by geographic region—
(A) what steps the Coast Guard is taking to fill gaps in its communications coverage;
(B) the Coast Guard has made in installing direction-finding systems; and
(C) what progress the Coast Guard has made toward completing its national distress and response system modernization project; and
(2) include an assessment of the safety benefits that might reasonably be expected to result from increased or accelerated funding for—
(A) measures described in paragraph (1)(A); and
(B) the national distress and response system modernization project.

SEC. 502. CONVEYANCE OF A COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—
(1) IN GENERAL.—The Administrator of the General Services Administration may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States of America in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon, in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as exceptions running with the land. Since the Federal agency actions necessary to effectuate the transfer of the Naval Reserve Pier property will further the objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), aids to navigation allowable to agency actions under these and other environmental planning laws are unnecessary and shall not be required. The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) shall not apply to any building or property at the Naval Reserve Pier property.

(b) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under subsection (a), the floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(c) DETERMINATION OF PROPERTY.—(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall give to the United States the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) The Administrator, in consultation with the Commandant, may identify and describe the premises and rights of access including, but not limited to, those listed below, in order to allow the United States to operate and maintain existing utility lines and related equipment, at the United States’ sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a 138-foot Coast Guard cutter. Prior to the Corporation’s receipt of approvals for a Coast Guard pier and bulkhead, at any time, without notice, for purposes of access to United States Coast Guard vessels and performance of United States Coast Guard missions and other mission-related activities;

(d) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States’ sole cost and expense, within 12 months after the date of enactment of this Act.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be subject to the condition that the Corporation, in its sole discretion, may determine is needed for navigational purposes;

(f) R EMISSIONS AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property, shall be determined with reference to existing State or Federal law, as appropriate, and
(a) AUTHORITY TO TRANSFER.—
(1) IN GENERAL.—The Administrator of the General Services Administration (Administrator), in consultation with the Commandant, United States Coast Guard, may transfer to a federal agency, administrative jurisdiction, custody and control over the Federal property, known as Coast Guard Station Scituate, to the National Oceanic and Atmospheric Administration (NOAA).

SEC. 503. TRANSFER OF COAST GUARD STATION SCITUATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) AUTHORITY TO TRANSFER.—
(1) IN GENERAL.—The Administrator of the General Services Administration (Administrator), in consultation with the Commandant, United States Coast Guard, may transfer to a federal agency, administrative jurisdiction, custody and control over the Federal property, known as Coast Guard Station Scituate, to the National Oceanic and Atmospheric Administration (NOAA).

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees in locations or for the establishment of a prototype harbor safety committee, the Coast Guard shall—
(1) consider the results of the study conducted under subsection (a); and
(2) consider identified safety issues for a particular port.

(c) CONDITIONS.—
(1) IN GENERAL.—The Administrator may not convey any property under this section to the Coast Guard or any federal agency, unless the Administrator determines that the property will be—
(A) no longer necessary for the purposes for which the property was acquired or required for continued operation of the Coast Guard Station Middletown as has been determined by the Commandant of the Coast Guard, may identify, describe the property to be transferred under this subsection (a) and determine the property to be transferred under this subsection (a).

(b) TERMS OF TRANSFER.—The transfer of the property shall be made subject to any condition or restrictions the Administrator and the Commandant consider necessary to ensure that—
(1) the transfer of the property to NOAA is consistent with the relocation of the Coast Guard Station Scituate to a suitable site; and
(2) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and
(3) the Administrator shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting assistance.

(c) LICENSES.—(1) Any license or permit issued under this section shall be subject to the terms and conditions set forth in this section.

(d) REMEDIAL ACTIONS.—Notwithstanding any provision of law, the conveysance authorized by section 416(a)(1) of the Coast Guard Authorization Act of 1998 shall take effect on or before the date of the enactment of the Act. The Administrator shall take all necessary actions to ensure that the conveyance is consummated within 3 months after the date of the enactment of this Act. The conveyance shall be subject to the provisions of this section (A)(1), (A)(3), (B), and (C) of section 416 of Public Law 105-383.

SEC. 505. EXTENSION OF INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

SEC. 506. LIGHTHOUSE CONVEYANCE.

(c) CONDITIONS.—
(1) IN GENERAL.—In making the conveyance under subsection (a), the Administrator shall—
(A) reserve for the United States such existing rights-of-way for access and such easements as are necessary for continued operation of the loran station; and
(B) preserve other existing easements for public roads and highways, public utilities, irrigation ditches, railroads, and pipelines; and
(C) impose such other restrictions on use of the property conveyed as are necessary to protect the continued operation of the loran station.

SEC. 507. FORMER COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

(a) AUTHORITY TO CONVEY.—
(1) IN GENERAL.—The Administrator of General Services shall enter into an agreement with the Administrator under which the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be performed, and the Coast Guard shall transfer only that amount of funds it and the School District consider necessary to complete the project.

(b) PROPERTY DESCRIPTION.—The property referred to in subsection (a) is such portion of the Coast Guard Loran Station Middletown as has been reported to the General Services Administration as excess property, and the Coast Guard Loran Station Middletown is approximately 733.43 acres, and is comprised of all or part of tracts A-101, A-102, A-104, A-105, A-106, A-107, A-108, and A-111.

SEC. 508. CONVEYANCE OF COAST GUARD PROPERTY IN MIDDLETOWN, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—
(1) IN GENERAL.—The Administrator of General Services (in this section referred to as the ‘‘Administrator’’) shall promptly convey to Lake County, California (in this section referred to as the ‘‘County’’), without consideration, all right, title, and interest of the United States (subject to subsection (c) in and to the property described in subsection (a) of this section).

(b) PROPERTY DEPOSIT.—The property described in subsection (a) is such portion of the Coast Guard Loran Station Middletown as has been reported to the General Services Administration as excess property, and the Coast Guard Loran Station Middletown is approximately 733.43 acres, and is comprised of all or part of tracts A-101, A-102, A-104, A-105, A-106, A-107, A-108, and A-111.

SEC. 509. SURVEY.—The exact legal description and legal description of the property conveyed under subsection (a), and any easements or rights-of-way reserved by the United States under subsection (c), shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the County.

(c) CONDITIONS.—
(1) IN GENERAL.—In making the conveyance under subsection (a), the Administrator shall—
(A) reserve for the United States such existing rights-of-way for access and such easements as are necessary for continued operation of the loran station; and
(B) preserve other existing easements for public roads and highways, public utilities, irrigation ditches, railroads, and pipelines; and
(C) impose such other restrictions on use of the property conveyed as are necessary to protect the continued operation of the loran station.

(2) FIREBREAKS AND FENCE.—(A) The Administrator may not convey any property under this section unless the County and the Commandant of the Coast Guard enter into an agreement with the Administrator under which the County is required, in accordance with design specifications and maintenance standards established by the Commandant—
(i) to establish and construct within 6 months after the date of the conveyance, and thereafter to maintain, firebreaks on the property conveyed and adjoining Coast Guard property, and
(ii) to construct within 6 months after the date of conveyance, and thereafter maintain, a fence approved by the Commandant along the property line between the property conveyed and adjoining Coast Guard property.

(B) The agreement shall require that—
(i) the County shall pay all costs of establishment, construction, and maintenance of firebreaks under subparagraph (A)(1); and
(ii) the Commandant shall provide all materials needed to construct a fence under subparagraph (A)(2) and the County shall pay all other costs of construction and maintenance of the fence.

(C) Covenants Appurtenant.—The Administrator shall provide such appurtenant covenants as are necessary to render the requirement to establish, construct, and maintain firebreaks and a fence...
SEC. 701. DISCHARGE OF UNTREATED SEWAGE.
A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any untreated sewage into the waters of the Alexander Archipelago.

SEC. 702. DISCHARGE OF TREATED SEWAGE.
(a) LIMIT ON DISCHARGES OF TREATED SEWAGE.—A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any treated sewage unless the cruise vessel is underway and is proceeding at not less than 4 knots.

(b) SUPPLEMENTAL RULEMAKING ON TREATED SEWAGE DISCHARGE.—Additional regulations governing the discharge of treated sewage may be promulgated taking into consideration any studies conducted by the Secretary of Commerce, the Secretaries of the Interior, the Interior Department, the Environmental Protection Agency, and recommendations made by the Alaska Department of Environmental Conservation.

SEC. 703. DISCHARGES OF GRAYWATER.
(a) LIMIT ON DISCHARGES OF GRAYWATER.—A cruise vessel operating in the waters of the Alexander Archipelago shall not discharge any graywater unless:

(1) the cruise vessel is underway and is proceeding at not less than four knots; and

(2) the cruise vessel's graywater system is tested on a frequency prescribed by the Secretary to verify that discharges of graywater do not contain chemicals used in the operation of the vessel (including photographic chemicals or dry cleaning solvents) present in an amount that would constitute a hazard to the marine environment.

(b) SUPPLEMENTAL RULEMAKING ON GRAYWATER DISCHARGES.—Additional regulations governing the discharge of graywater may be promulgated after taking into consideration any studies conducted by any agency of the United States, and recommendations made by the Alaska Department of Environmental Conservation.

SEC. 704. INSPECTION REGIME.
(a) IN GENERAL.—The Secretary shall incorporate into the commercial vessel examination program regulations sufficient to verify that cruise vessels operating in the waters of the Alexander Archipelago are in full compliance with this title and any regulations issued thereunder, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), other applicable Federal laws and regulations, and all applicable international treaty requirements.

(b) MATTERS TO BE EXAMINED.—The inspection regime—

(1) shall include—

(A) examination of environmental compliance records and procedures; and

(B) inspection of the functionality and proper operation of installed equipment for pollution prevention.

(2) may include unannounced inspections of any aspect of cruise vessel operations or equipment pertinent to the verification under subsection (a) of this section.

SEC. 705. STUDIES.
Any agency of the United States undertaking a study of the environmental impact of cruise vessel discharges of sewage treated or graywater shall ensure that cruise vessel operators, other United States agencies with jurisdiction over cruise vessel operations, and affected coastal State governments are provided an opportunity to review and comment on such study prior to publication of the study, and shall ensure that such study, if used as a basis for a rulemaking governing the discharge or treatment of sewage, treated sewage or graywater by cruise vessels, is subjected to a scientific peer review process prior to the publication of the proposed rule.

SEC. 706. CRIMINAL PENALTIES.
A person who knowingly violates section 701, 702(b) or 703(b), commits a Class D felony. In the discretion of the Court, an amount equal to not more than one-half of such fine may be paid to the person giving information leading to conviction.

SEC. 707. CIVIL PENALTIES.
(a) IN GENERAL.—A person who is found by the Secretary, after notice and an opportunity for a hearing, to have violated section 701, 702(b) or 703(b), committed by a cruise vessel pursuant to section 702(b) or 703(b), shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation.

(b) ABATEMENT OF CIVIL PENALTIES; COLLECTION BY ATTORNEY GENERAL.—The Secretary may compromise, modify or remit, without conditionality, which is subject to assessment or which has been assessed under this section. If any person fails to pay an assessment of a civil penalty, the Secretary may refer the matter to the Attorney General of the United States for collection in an appropriate district court of the United States.

SEC. 708. LIABILITY IN REM; DISTRICT COURT JURISDICTION.
A vessel operated in violation of this title is liable in rem for any fine imposed under section 706 or civil penalty assessed under section 707, and may be proceeded against in the United States district court of any district in which the vessel may be found.

SEC. 709. VESSEL CLEARANCE OR PERMITS; RISks.
(a) LIMIT ON DISCHARGES OF GRAYWATER.—Any graywater that does not contain chemicals used in the operation of the vessel (including photographic chemicals or dry cleaning solvents) present in an amount that would constitute a hazard to the marine environment, does not contain international treaty obligations, and is subject to a valid certificate of documentation issued by the Secretary, may be subject to a fine or civil penalty under this title, or may be granted upon the filing of a bond or other surety satisfactory to the Secretary.

SEC. 710. REGULATIONS.
The Secretary shall prescribe any regulations necessary to carry out the provisions of this title.

SEC. 711. DEFINITIONS.
In this title:
(1) Waters of the Alexander Archipelago.—The term ‘‘waters of the Alexander Archipelago’’ means all waters under the jurisdiction of the United States within Southeast Alaska and contained within an area defined by a line beginning at Cape Spencer Light and extending due south to Latitude 58°07'15” North, Longitude 130°53'00” West; thence along a line 3 nautical miles seaward of the territorial sea baseline to a point at the maritime border between the United States and Canada; thence to Latitude 54°11'15” North, Longitude 130°53'00” West; thence following the border to Mount Fairweather; thence returning to Cape Spencer Light.

(2) Cruise vessel.—(A) In general.—The term ‘‘cruise vessel’’ means a commercial passenger vessel of
Sec. 301. Adoptions of children immigrating to the United States.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

Sec. 201. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.
Sec. 202. Process for accreditation and approval; role of accrediting entities.
Sec. 203. Standards and procedures for providing accreditation or approval.
Sec. 204. Secretarial oversight of accreditation and approval.
Sec. 205. State plan requirement.

TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES

Sec. 301. Adoptions of children immigrating to the United States.
background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.

d) **ADDITONAL RESPONSIBILITIES.**—The Secretary—

(1) shall monitor individual Convention adoption cases involving United States citizens; and

(2) may facilitate interactions between such citizens and officials of other Convention countries relating to the Convention by persons who are accredited agencies or approved persons.

**SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.**

(a) **LIAISON RESPONSIBILITIES.**—The Secretary shall have responsibility for—

(1) liaison with the central authorities of other Convention countries; and

(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.

(b) **INFORMATION EXCHANGE.**—The Secretary shall be responsible for—

(1) providing the central authorities of other Convention countries with information concerning—

(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been permanently debarred from accreditation or approval;

(B) Federal and State laws relevant to implementing the Convention; and

(C) any other information necessary for implementation of the Convention;

(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice consisting of the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;

(3) making responses to notices under paragraph (2) available to—

(A) accredited agencies and approved persons; and

(B) other persons or entities performing home studies under section 201(b)(1);

(4) ensuring the provision of a background report (home study) on prospective adoptive parents under subsection (b) of section 203(b)(1)(A) of this title (each person who is not providing any other adoption service in the case, to the extent not prohibited by information in the case, to the extent not prohibited by

(5) providing Federal agencies, State courts, agencies and persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country;

(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.

(c) **ACREDITATION AND APPROVAL RESPONSIBILITIES.**—The Secretary shall carry out the functions of the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.

**SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.**

In addition to such other responsibilities as may be otherwise specifically conferred upon the Attorney General by this Act, the central authority of such country as are specifically conferred upon the Attorney General by this Act, the central authority of their country of residence shall be performed by the Attorney General.

**SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.**

(a) **REPORTS REQUIRED.**—Beginning one year after the date of the entry into force of the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report to the Senate, the House of Representatives, and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.

(b) **REPORT ELEMENTS.**—Each report under subsection (a) shall set forth with respect to the year covered, the following:

(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred under the Convention, including the country from which each child emigrated, the State to which each child emigrated, and the country in which the adoption was finalized.

(2) The number of intercountry adoptions involving immigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.

(3) The number of Convention placements for which qualified entities were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reason for disruption, and the family who was disrupted, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.

(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.

(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.

(6) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.

**SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.**

(a) **IN GENERAL.**—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—

(1) is accredited or approved in accordance with this title; or

(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.

(b) **EXCEPTIONS.**—Subsection (a) shall not apply to the following:

(1) **BACKGROUND STUDIES AND HOME STUDIES.**—The performance of a background study on a child or a home study on a prospective adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.

(2) **CHILD WELFARE SERVICES.**—The provision of a child welfare service by a person who is not providing any other adoption service in the case.

(3) **LEGAL SERVICES.**—The provision of legal services by a person who is not providing any other adoption service in the case.

**SEC. 202. PROCESS FOR ACCREDITATION AND APPROVAL OF ADOPTION SERVICES.**

(a) **DESIGNATION OF ACCREDITING ENTITIES.**

(1) **IN GENERAL.**—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 103.

(2) **QUALIFIED ENTITIES.**—In paragraph (1), the term "qualified entity" means—

(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or
(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—
(i) develops and administers standards for entities providing child welfare services;
(ii) accredits only agencies located in the State in which the public entity is located; and
(iii) meets such other criteria as the Secretary may by regulation establish.

(2) Oversight.—On determining that the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary.

(3) Enforcement.—Taking of adverse actions for noncompliance with applicable requirements, including requiring the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.

(4) Records, and Reports.—Collection of data, maintenance of records, and reporting to the Secretary, the United States central authority, State courts, and other entities of information concerning persons and agencies granted or denied approval or accreditation, to the extent and in the manner that the Secretary requires.

(c) REMEDIES FOR ADVERSE ACTION BY ACCREDITING ENTITY.—

(1) Correction of Deficiency.—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.

(2) No Other Administrative Review.—An adverse action by an accrediting entity shall not be subject to administrative review.

(3) Judicial Review.—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.

(d) Fees.—The amount of fees assessed by accredited agencies for services or costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.

SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.

(a) In General.

(1) PROMULGATION OF REGULATIONS.—The Secretary shall, by regulation, prescribe the standards and procedures to be used by accreditng entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.

(2) CONSIDERATION OF VIEWS.—In developing such standards and procedures, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in the field of adoption, including the child welfare, social services, including public and private entities with experience in licensing and accrediting adoption agencies.

(3) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) MINIMUM REQUIREMENTS.—

(1) ACCREDITATION.—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:

(A) SPECIFIC REQUIREMENTS.—

(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent possible, includes an English-language translation of such records) on a date which is not later than the earlier of the date of the adoption, or (ii) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.

(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child’s country of origin under section 102(b)(3), including, in the case of a child emigrating from a country that is not a party to the Hague Convention, any requirement that accreditation of an agency or approval of a person under this title shall be for a period of not less than 5 years and be renewed at least once every 2 years.

(c) TEMPORARY REGISTRATION OF COMMUNITY BASED AGENCIES.—

(1) ONE-YEAR REGISTRATION PERIOD FOR NONPROFIT COMMUNITY BASED AGENCIES.—For a one-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(2) TWO-YEAR REGISTRATION PERIOD FOR SMALL COMMUNITY BASED AGENCIES.—For a two-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).

(3) NONPROFIT ORGANIZATION WITH STATE LICENSE TO PROVIDE ADOPTION SERVICES.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.

(d) FEES.—The amount of fees assessed by accredited adoption agencies.

(e) MINIMUM REQUIREMENTS FOR Accredited AGENCIES.—

(i) The agency has provided adoption services in the United States in cases subject to the Convention.

(ii) The agency has provided adoption services in the United States during such period if the agency is a nonprofit organization licensed to provide adoption services in at least one State.

(iii) The agency has provided adoption services in the United States during such period if the agency is a nonprofit organization licensed to provide adoption services in at least one State.
Sec. 302. Immigration and Nationality Act amendments relating to children adopted from Convention countries.

(a) Definition of child.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) by striking ‘‘or’’ at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ‘‘;’’; and

(3) by adding after subparagraph (F) the following new subparagraph:

‘‘(G) a child, under the age of sixteen at the time a petition is filed on the child’s behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign country by a citizen parent for purposes of adoption as a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen, shall be deemed to have been a legal permanent resident of the United States for at least twenty-five years of age.’’

(II) the child’s natural parents (or parent, if the child’s legal permanent resident status in the United States was the result of adoption by any agency on behalf of the child, and the reasons for the disruption or dissolution.’’

(b) Legal effect of certificates.—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, as agencies under Federal jurisdiction, and by State and local authorities as conclusive evidence of the facts certificated therein and shall constitute the certification required by section 204(d)(2)(B) of the Immigration and Nationality Act, as amended by this Act.

(c) Condition on finalization of Convention adoption by State court.—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.

Sec. 203. State plan requirement.

(a) General.—Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(1) in paragraph (11), by striking ‘‘and’’ at the end;

(2) in paragraph (12), by striking ‘‘children,’’ and inserting ‘‘children,’’; and

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

‘‘(11) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and

‘‘(12) provide that the State shall collect and report information on children who are adopted from other countries and who enter into the United States into the provisions of this paragraph as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement of the child, the reasons for the disruption or dissolution.’’

(II) the Attorney General is satisfied that proper care will be furnished the child if adopted by the United States.

(II) the child’s natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of the other parent), or other persons or institutions that retain legal custody of the
child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child’s emigration and adoption.

(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parental relationship of the child and the biological parents has been terminated; and

(V) in the case of a child who has not been adopted—

(aa) the competent authority of the foreign state has approved the child’s emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child’s proposed adoptive parents; and

(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

(b) APPOINTMENT OF JURISDICTION.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1114(d)) is amended—

(1) by striking “(d)” and inserting “(d)(1)”;

(2) by striking “section 101(b)(1)F)” and inserting “subparagraph (F) or (G) of section 101(b)(1)”;

and

(c) ADDING PROVISIONS.—At the end of the following new paragraph:

(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child’s country of origin has notified the United States, central authority under the convention referred to in such section, of subsection (a), or otherwise to carry out the duties of the United States central authority under the Convention;

(b) CONDITIONS ON STATE COURT ORDERS.—An order declaring an adoption to be final or granting custody for purposes of adoption in a case described in subsection (a) shall not be entered unless the court—

(1) has received and verified to the extent the court may find necessary—

(A) a decision by an accrediting entity

(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and

(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.

(3) PENALTIES FOR UNLAWFUL DISCLOSURE.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.

Documents resulting in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(b) ASSESSMENT OF FEES.—

(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act, and comparable services with respect to other intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be equal to or comparable to the cost of such services.

(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.

(3) Fees authorized under this section shall be retained for obligating purposes and in the amount provided in advance in appropriate Acts.

(c) RESTRICTION.—No funds collected under the authority of this section may be made available to an accountability entity to carry out the purposes of this Act.

TITLE IV—ADMINISTRATION AND ENFORCEMENT

SEC. 401. ACCESS TO CONVENTION RECORDS.

(a) PRESERVATION OF CONVENTION RECORDS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall establish procedures and regulations that establish procedures and requirements in accordance with the Convention and this Act for the preservation of Convention records by the Secretary.

(2) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.

(b) ACCESS TO CONVENTION RECORDS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided to the person or in whole or in part to the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention as may be necessary.

(2) EXCEPTION FOR ADMINISTRATION OF THE CONVENTION.—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part to the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention as may be necessary.

(3) PENALTIES FOR UNLAWFUL DISCLOSURE.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.

(c) ACCESS TO NON-CONVENTION RECORDS.—

(1) Disclosure of, access to, and penalties for unlawful disclosure of, records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable Federal law.

SEC. 404. ENFORCEMENT.

(a) CIVIL PENALTY.—Any person who—

(1) violates section 201;

(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact or omission, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—

(C) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under subtitle I;
(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or
(C) a decision or action of any entity performing a central authority function; or
(3) engages another person as an agent, whether in the United States or in a foreign country, for the purpose of taking any of the actions described in paragraph (1) or (2), shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation.

(b) CIVIL ENFORCEMENT.—
(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.
(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.
(c) CRIMINAL PENALTIES.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

TITLE V—GENERAL PROVISIONS

SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.
Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Subsection recognition shall include the specific effects described in Article 26 of the Convention.

SEC. 502. SPECIAL RULES FOR CERTAIN CASES.
(a) AUTHORITY TO ESTABLISH ALTERNATIVE PROCEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.
(b) WAIVER AUTHORITY.—
(1) IN GENERAL.—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.
(2) NONDELEGATION.—The authority provided by paragraph (1) may not be delegated.

SEC. 503. RELATIONSHIP TO OTHER LAWS.
(a) PREEMPTION OF INCONSISTENT STATE LAW.—This Act and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.
(b) APPLICABILITY OF THE INDIAN CHILD WELFARE ACT.—This Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).
(c) APPLICABILITY TO OTHER LAWS.—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.

SEC. 504. NO PRIVATE RIGHT OF ACTION.
The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.

SEC. 505. EFFECTIVE DATES; TRANSITION RULE
(a) EFFECTIVE DATES.—
(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.
(2) PROVISIONS EFFECTIVE UPON ENACTMENT OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.
(b) TRANSITION RULE.—The Convention and this Act shall not apply—
(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or
(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).

ENCRYPTION AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

BINGHAM AMENDMENTS NOS. 4024—4025

(Ordained to lie on the table.)
Mr. BINGHAM submitted two amendments intended to be proposed by him to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes; as follows:

AMENDMENT No. 4024
On page 47, line 18, before the period, insert the following: "Provided, that in conducting the Southwest Valley Flood Damage Reduction Study, Albuquerque, New Mexico, the Secretary of the Army, acting through the Chief of Engineers, shall include an evaluation of flood damage reduction measures that would be conducted from the feasibility analysis based on policies regarding the frequency of flooding, the drainage areas, and the amount of runoff."

AMENDMENT No. 4025
On page 67, line 19, after "expended.", insert the following:
"Provided, That $5,000,000 shall be available to implement the Carlsbad Study managed by the Carlsbad Area Office to alleviate the problems caused by rapid economic development along the United States-Mexico border, to support the Materials Corridor Partnership and Initiative, and to promote energy efficient, environmentally sound economic development along that border through the development and use of new technology, particularly hazardous waste and materials technology."

FEDERAL REFORMULATED FUELS ACT OF 2000

SMITH OF NEW HAMPSHIRE
AMENDMENT NO. 4026
(Referred to the Committee on Environment and Public Works.)
Mr. SMITH of New Hampshire submitted the following amendment intended to be proposed by him to the bill (S. 2962) to amend the Clean Air Act to address problems concerning methane tertiary butyl ether, and for other purposes; as follows:
At the appropriate place, insert the following:
SEC. ... COMPETITIVE ALTERNATIVE FUEL PROGRAM.
(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7546) is amended—
(1) by redesignating subsection (o) as subsection (p); and
(2) by inserting after subsection (n) the following:
"(o) COMPETITIVE ALTERNATIVE FUEL PROGRAM.
"(1) DEFINITIONS.—In this subsection:
"(A) BIN 1 VEHICLE.—The term "bin 1 vehicle" means—
(1) a light-duty motor vehicle that does not exceed the standards for bin no. 1 specified in table S04–1 of section 86.1811–04 of title 40, Code of Federal Regulations (published at 65 Fed. Reg. 6855 on February 10, 2000); and
(ii) a heavy-duty motor vehicle that does not exceed standards equivalent to the standards described in clause (i), as determined by the Administrator by regulation.
"(B) BIN 2 VEHICLE.—The term "bin 2 vehicle" means—
(1) a light-duty motor vehicle that does not exceed the standards for bin no. 2 specified in table S04–1 of section 86.1811–04 of title 40, Code of Federal Regulations (published at 65 Fed. Reg. 6855 on February 10, 2000); and
(ii) a heavy-duty motor vehicle that emits not more than 50 percent of the allowable emissions of air pollutants under the most stringent standards applicable to heavy-duty motor vehicles, as determined by the Administrator by regulation.
"(C) BIOMASS ETHANOL.—The term "biomass ethanol" means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—
(1) dedicated energy crops and trees;
(ii) wood and wood residues;
(iii) plants;
(iv) agricultural commodities and residues;
(v) animal wastes and other waste materials; and
(vii) municipal solid waste.
"(D) CLEAN ALTERNATIVE FUEL.—The term "clean alternative fuel" means—
(i) renewable fuel; or
(ii) credit for motor vehicle fuel used to operate a bin 1 vehicle, as generated under paragraph (5)(A)(i); and
(iii) credit for motor vehicle fuel used to operate a bin 2 vehicle, as generated under paragraph (5)(A)(ii).
"(E) RENEWABLE FUEL.—
(1) DEFINITIONS.—In this subsection:
"(A) RENEWABLE FUEL.—
(1) the term "biomass ethanol" means ethanol derived from any lignocellulosic or hemicellulosic material that is available on a renewable or recurring basis, including—
(i) dedicated energy crops and trees;
(ii) wood and wood residues;
(iii) plants;
(iv) agricultural commodities and residues;
(v) animal wastes and other waste materials; and
(vii) municipal solid waste.
"(D) CLEAN ALTERNATIVE FUEL.—The term "clean alternative fuel" means—
(i) renewable fuel; or
(ii) credit for motor vehicle fuel used to operate a bin 1 vehicle, as generated under paragraph (5)(A)(i); and
(iii) credit for motor vehicle fuel used to operate a bin 2 vehicle, as generated under paragraph (5)(A)(ii)."
treatment plant, feedlot, or other place where decaying organic material is found; and
(ii) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

(ii) INCLUSION.—The term 'renewable fuel' includes biomass ethanol.

(2) COMPETITIVE ALTERNATIVE FUEL PROGRAM.—
(A) CLEAN ALTERNATIVE FUEL REQUIREMENTS.—The motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2008 or any calendar year thereafter by a refiner, blender, or importer shall, on a 6-month average basis, be comprised of clean alternative fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

(B) APPLICABLE PERCENTAGE.—For the purposes of subparagraph (A), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Applicable percentage of clean alternative fuel</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>1.2</td>
</tr>
<tr>
<td>2009</td>
<td>1.3</td>
</tr>
<tr>
<td>2010</td>
<td>1.4</td>
</tr>
<tr>
<td>2011 and thereafter</td>
<td>1.5</td>
</tr>
</tbody>
</table>

(3) TRANSITION PROGRAM.—
(A) RENEWABLE FUEL REQUIREMENTS.—
(i) IN GENERAL.—Subject to subparagraph (B), all motor vehicle fuel sold or introduced into commerce in the United States in any of calendar years 2002 through 2007 by a refiner, blender, or importer shall contain, on a 6-month average basis, a quantity of renewable fuel, measured in gasoline-equivalent gallons (as determined by the Secretary of Energy), that is not less than the applicable percentage by volume for the 6-month period.

(ii) APPLICABLE PERCENTAGE.—For the purposes of clause (i), the applicable percentage for a 6-month period of a calendar year shall be determined in accordance with the following table:

<table>
<thead>
<tr>
<th>Calendar year</th>
<th>Applicable percentage of renewable fuel</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>0.6</td>
</tr>
<tr>
<td>2003</td>
<td>0.7</td>
</tr>
<tr>
<td>2004</td>
<td>0.8</td>
</tr>
<tr>
<td>2005</td>
<td>0.9</td>
</tr>
<tr>
<td>2006</td>
<td>1.0</td>
</tr>
<tr>
<td>2007</td>
<td>1.1</td>
</tr>
</tbody>
</table>

(B) CREDIT FOR MOTOR VEHICLE FUEL USED TO OPERATE BIN 1 VEHICLES OR BIN 2 VEHICLES.—Credit for motor vehicle fuel used to operate bin 1 vehicles or bin 2 vehicles, as generated under paragraph (4)(A)(ii), may be used to meet not more than 10 percent of the renewable fuel requirement under subparagraph (A).

(4) BIOMASS ETHANOL.—For the purposes of paragraphs (2) and (3), 1 gallon of biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel.

(5) CREDIT PROGRAM.—
(A) IN GENERAL.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by—
(i) a person that refines, blends, or imports motor vehicle fuel that contains, on a 6-month average basis, a quantity of clean alternative fuel or renewable fuel that is greater than the quantity required for that 6-month period under paragraph (2) or (3), respectively; and
(ii) a person that manufactures bin 1 vehicles or bin 2 vehicles.

(B) CALCULATION OF CREDITS.—In determining the appropriate amount of credits generated by a vehicle manufacturer under subparagraph (A)(ii), the Administrator, in consultation with the Secretary of Energy, shall give priority to the extent to which bin 1 vehicles or bin 2 vehicles compared to vehicles that are not bin 1 vehicles or bin 2 vehicles but are similar in size, weight, and other appropriate factors—
(i) use innovative or advanced technology;
(ii) result in less petroleum consumption; and
(iii) are efficient in their use of petroleum or other form of energy.

(6) WAIVERS.—
(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirements of paragraph (2) or (3) in whole or in part on petition by a person, nonprofit entity, or local government.

(B) PETITIONS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—
(i) shall approve or deny a State petition for an exemption from the requirements of paragraph (2) or (3) within 180 days after the date on which the petition is received; but
(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

(C) TERMINATION OF WAIVERS.—A waiver granted under paragraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

(D) OXYGEN CONTENT WAIVERS.—The grant or denial of a waiver under subsection (k)(2)(A) shall not affect the requirements of this subsection.

(E) SMALL REFINERS.—The Administrator may provide an exemption from the requirements of paragraph (2) or (3), in whole or in part, for small refiners (as defined by the Administrator).

(8) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this subsection.

(b) PENALTIES AND ENFORCEMENT.—Section 212(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—
(1) in paragraph (1)—
(3) Trafficking in persons is not limited to the sex industry. This growing transnational crime also includes forced labor, and involves significant violations of minimal labor standards and human rights standards worldwide.

(4) Traffickers primarily target women and girls, who are disproportionately affected by poverty, lack of education, unemployment, discrimination, and lack of viable economic opportunities in countries of origin. Traffickers lure women and girls into their networks through false promises of decent working conditions at relatively good pay as nannies, maids, dancers, factory workers, or models. Traffickers also buy children from poor families and sell them into prostitution or into various types of forced or bonded labor.

(5) Traffickers often transport victims from their home communities to unfamiliar destinations, including different countries away from family and friends, religious institutions, and other sources of protection and support, leaving the victims defenseless and vulnerable.

(6) Victims are often forced through physical violence to engage in sex acts or perform slavery-like labor. Such force includes rape and other forms of sexual abuse, torture, starvation, imprisonment, threats, psychological abuse, and coercion.

(7) Traffickers often make representations to the victims that physical harm may occur to them or their families or attempt to escape. Such threats can have the same coercive effects on victims as actual infliction of harm.

(8) Trafficking in persons is increasingly perpetrated by organized, sophisticated criminal enterprises. Such trafficking is the fastest growing source of profits for organized criminal enterprises worldwide. Profits from the trafficking industry contribute to the expansion of organized crime in the United States and worldwide. Trafficking is often aided by official corruption in countries of origin, transit, and destination, thereby threatening the rule of law.

(9) Trafficking includes all the elements of the crime of forcible rape, when it involves the involuntary participation of another person in sex acts by means of fraud, force, or coercion.

(10) Trafficking also involves violations of other laws, including labor and immigration codes, the use of children and women in the sex trade, illegal immigration practices, slavery, false imprisonment, assault, battery, pandering, fraud, and extortion.

(11) Trafficking exposes victims to serious health risks and child exploitation into the sex industry are exposed to deadly diseases, including HIV and AIDS. Trafficking victims are sometimes worked or physically victimized to death.

(12) Trafficking in persons involving slavery-like labor practices substantially affects interstate and foreign commerce. The United States' decision to eradicate the substantial burdens on commerce that result from trafficking in persons and to prevent the channels of commerce from being used for immoral and injurious purposes.

(13) Trafficking of persons is an evil requiring concerted and vigorous action by countries of origin, transit, or destination, and by international organizations.

(14) Existing legislation and law enforcement in the United States and other countries are inadequate to deter trafficking and bring its perpetrators to justice, based on the gravity of the offenses involved. The Comprehensive law exists in the United States that penalizes the range of offenses involved in the sex industry are often punished under laws that also apply to lesser offenses such as consensual sexual activity and illegal immigration, so that traffickers typically escape deserved punishment.

(15) In the United States, the seriousness of this crime and its components are not reflected in current sentencing guidelines, resulting in weak penalties for convicted trafficking offenses. Federal and state facilities do not exist to meet the needs of health care, housing, education, and legal assistance, which safely reintegrate trafficking victims into society by ensuring that victims are always protected.

(16) In some countries, enforcement against trafficking is also hindered by official tolerance of or encouragement for the practice, especially when illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(17) Victims of severe forms of trafficking should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts as a direct result of being trafficked.

(18) Victims of severe forms of trafficking are often illegal immigrants in the destination country, they are repeatedly punished more harshly than the traffickers themselves.

(19) Victims of trafficking often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of such crimes. They often experience severe trauma associated with these crimes. The legal systems in these countries are frequently unfamiliar with the laws, culture, and language of the countries into which they are trafficked. Also, they are often subjected to intimidation, intimidation, physical detention, debt bondage, and fear of forcible removal to countries where they face hardship.

(20) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking.

(21) The United States and the international community agree that trafficking in persons involves grave violations of human rights and is a matter of pressing international concern. The international community has repeatedly condemned slavery and involuntary servitude, violence against women, and other elements of trafficking.

(22) Trafficking in persons substantially affects interstate and foreign commerce. Trafficking for such purposes as involuntary servitude, peonage, and other forms of forced labor has an impact on the nationwide employment network and labor market. Within the context of the United States and worldwide, trafficking is a serious offense. This is because they are frequently committed against them or to assist in the investigation and prosecution of such crimes. This is because they are frequently

(23) Involuntary servitude statutes are intended to reach cases in which persons are held in prison-like servitude through non-forcible means, coercion. In United States v. Kozinski, 487 U.S. 950 (1988), the Supreme Court found that section 1584 of title 18, United States Code, should be narrowly interpreted, absent a definition of involuntary servitude by Congress. As a result, that section was interpreted to only criminalize servitude imposed through force, threats of force, or threats of legal coercion.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ‘‘appropriate congressional committee’’ means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives.

(2) COERCION.—The term ‘‘coercion’’ means—

(A) acts or circumstances not necessarily including physical force but intended to have the same effect; or

(B) any act, scheme, plan, or pattern intended to cause a person to believe that failure to perform an act will result in the infliction of serious harm.

(3) COMMERCIAL SEX ACT.—The term ‘‘commercial sex act’’ means any sex act whereby anything of value is given to or received by any person.

(4) DEBT BONDAGE.—The term ‘‘debt bondage’’ means the status or condition of a debtor arising from a pledge of the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably calculated is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(5) INOURNALIST.—The term ‘‘journalist’’ includes a condition of servitude imposed by means of—

(A) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or

(B) the abuse or threatened abuse of the legal process.

(6) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—The term ‘‘minimum standards for the elimination of trafficking’’ means the standards set forth in section 8.

(7) SOURCES FORMS OF TRAFFICKING IN PERSONS.—The term ‘‘source forms of trafficking in persons—

(A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act has not attained 18 years of age; or

(B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force,
fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(b) SEX TRAFFICKING.—The term "sex trafficking" means the recruitment, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

(c) STATE.—The term "State" means any of the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and territories and possessions of the United States.

(d) UNITED STATES.—The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(11) VICTIM OF TRAFFICKING.—The term "victim of trafficking" means a person subject to an act or practice described in paragraph (7) or (8).

(12) VICTIM OF A SEVERE FORM OF TRAFFICKING.—The term "victim of a severe form of trafficking" means a person subject to an act or practice described in paragraph (7).

SEC. 4. ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Secretary of State, with the assistance of the Assistant Secretary of Democracy, Human Rights and Labor, shall, as part of the annual Country Reports on Human Rights Practices, include information on the status of trafficking in persons, including the following information:

(1) A description of the nature and extent of severe forms of trafficking in persons in each country.

(2) An assessment of the efforts by the government to combat trafficking, including major bar to severe forms of trafficking. Such an assessment shall address—

(A) whether any governmental authorities tolerate or are involved in such trafficking;

(B) which governmental authorities are involved in activities to combat such trafficking;

(C) what steps the government has taken against its officials who participate in, facilitate, or condone such trafficking;

(D) what steps the government has taken to investigate, prosecute, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the capacity of those penalties in eliminating or reducing such trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in such trafficking, including the investigation, prosecution, and conviction of individuals involved in severe forms of trafficking in persons, the criminal and civil penalties for such trafficking, and the capacity of those penalties in eliminating or reducing such trafficking;

(F) what steps the government has taken to assist victims of such trafficking, including efforts to prevent victims from being further victimized by traffickers, government officials, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government—

(i) is cooperating with governments of other countries to extradite traffickers when requested;

(ii) is assisting in international investigations of trafficking networks and in other cooperative efforts to combat trafficking;

(iii) refrains from prosecuting victims of severe forms of trafficking and from other discriminatory treatment of such victims due to such victims having been trafficked, or due to their having left or entered the country illegally; and

(iv) recognizes the rights of victims and ensures their access to justice.

(3) Information set forth in paragraph (2) and, where appropriate, in paragraph (3) shall be included in the annual Country Reports on Human Rights Practices on a country-by-country basis.

(4) In addition to the information described in this section, the Annual Country Reports on Human Rights Practices may contain data on the trafficked individuals who are victims of trafficking in persons as the Secretary determines to be appropriate.

SEC. 5. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

(a) ESTABLISHMENT.—The President shall establish an Interagency Task Force to Monitor and Combat Trafficking (in this Act referred to as the "Task Force").

(b) APPOINTMENT.—The President shall appoint the members of the Task Force, which shall include the Secretary of State, the Administrator of the United States Agency for International Development, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Director of Central Intelligence, and such other officials as may be designated by the President.

(c) CHAIRMAN.—The Task Force shall be chaired by the Secretary of State.

(d) SUPPORT FOR THE TASK FORCE.—The Secretary of State shall establish, within the Department of State an Office to Monitor and Combat Trafficking, which shall provide assistance to the Task Force. Any such Office shall be headed by a Director. The Director shall have the primary responsibility for assisting the Secretary of State in carrying out the purposes of this Act and may delegate such responsibilities as determined by the Secretary. The Director shall consult with domestic, international, and multinational organizations, including the Organization of American States, the Organization for Security and Cooperation in Europe, and the United Nations, and with trafficking victims or other affected persons. The Director shall have the authority to take evidence in public hearings or by other means. The Office is authorized to retain staff members from agencies represented on the Task Force.

(e) ACTIVITIES OF THE TASK FORCE.—In consultation with appropriate international and regional organizations, the Task Force shall carry out the following activities:

(1) Coordinate the implementation of this Act.

(2) Measure and evaluate progress of the United States and other countries in the areas of trafficking prevention, protection, and prosecution of trafficking; and

(3) Programs to promote women’s participation in economic decisionmaking.

(f) INTERIM REPORTS.—In addition to the list provided under subsection (g), the Secretary of State, in the capacity as chair of the Interagency Task Force, may submit to the appropriate congressional committees periodic interim reports with respect to the status of severe forms of trafficking in persons, including information about countries whose governments have come into or out of compliance with the minimum standards for the elimination of trafficking since the transmission of the last annual report.

SEC. 6. PREVENTION OF TRAFFICKING.

(a) ECONOMIC ALTERNATIVES TO PREVENT AND DETE TRAFFICKING.—The President, acting through the Administrator of the United States Agency for International Development, the Attorney General, and the Secretary of Labor, shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. Such initiatives may include—

(1) microcredit lending programs, training in business development, skills training, and job counseling;

(2) programs to promote women’s participation in economic decisionmaking;

(3) programs to keep children, especially girls, in elementary and secondary schools, and to educate children, women, and men who have been victims of trafficking;

(4) development of educational curricula regarding the dangers and risks involved in trafficking; and

(5) grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.

(b) PUBLIC AWARENESS AND INFORMATION.—The President, acting through the Secretary of Labor, shall establish and carry out programs to increase public awareness, particularly among potential victims of trafficking, of the dangers and the protections that are available for victims of trafficking.

(c) CONSULTATION REQUIREMENT.—The President shall consult with appropriate nongovernmental organizations with respect to the establishment and conduct of initiatives described in subsections (a) and (b).

SEC. 7. PROTECTION AND ASSISTANCE FOR VICTIMS OF TRAFFICKING.

(a) ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.—

(1) GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development, in consultation with appropriate nongovernmental organizations, shall establish and carry out programs and initiatives in foreign countries to assist in the safe integration, reintegration, or resettlement, as appropriate, of victims of trafficking. Such programs and initiatives shall be designed to meet the appropriate assistance needs of such persons and their children, as identified by the Interagency Task Force to Monitor and Combat Trafficking established under section 5.

(2) ADDITIONAL REQUIREMENT.—In establishing and conducting programs and initiatives described in paragraph (1), the Secretary of State and the Administrator of the
forms of trafficking and providing for the protection of such victims.

d. CONSTRUCTION.—Nothing in subsection (c) shall be construed as creating any private right of action against the United States or its officers or employees.

e. PROTECTION FROM REMOVAL FOR CERTAIN TRAFFIC VICTIMS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking “or” at the end of subparagraph (B); and

(2) by striking the period at the end of subparagraphs (S) and inserting “; or”;

and

(f) by adding at the end the following new subsection:

"(T) is subject to subsection (m), an alien who the Attorney General determines—

"(I) is or has been a victim of a severe form of trafficking in persons as defined in section 3 of the Trafficking Victims Protection Act of 2000;

"(II) is physically present in the United States, and the alien’s admission as a nonimmigrant under section 101(a)(15)(T)(i); or

"(III) has complied with any reasonable request for assistance in the investigation or prosecution of acts of trafficking, or

"(IV) is a country of origin, transit, or destination for such trafficking,

which the Attorney General decides is a country of origin, transit, or destination for such trafficking,

and

shall provide the alien with legal status, and

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and
(1) Whether the country vigorously investigates and prosecutes acts of severe forms of trafficking in persons that take place wholly or partly within the territory of the country.

(2) Whether the country cooperates with other countries in the investigation and prosecution of severe forms of trafficking in persons.

(3) Whether the country extradites persons charged with acts of severe forms of trafficking in persons on the same terms and to the same extent as persons charged with other serious crimes.

(4) Whether the country monitors immigration and emigration patterns for evidence of severe forms of trafficking in persons and whether labor or other government agencies of the country respond to any such evidence in a manner which is consistent with the vigorous investigation and prosecution of acts of such trafficking, as well as with the protection of human rights of victims and the internationally recognized human right to leave and return to one's own country.

(5) Whether the country protects victims of severe forms of trafficking in persons and encourages their assistance in the investigation and prosecution of such trafficking, including their legal and economic incentive to remain in the United States or any of its territories or possessions.

(6) Whether the country vigorously investigates and punishes those governmental personnel to combat trafficking, the creation and maintenance of facilities, programs, and activities for the victims, and the provision of exchange programs and international visitor programs for governmental and non-governmental personnel to combat trafficking.

SEC. 9. ASSISTANCE TO FOREIGN COUNTRIES TO MEET MINIMUM STANDARDS.

The Secretary of State and the Administrator of the Agency for International Development are authorized to provide assistance to foreign countries directly, to any international financial institution, the Export-Import Bank of the United States, or any successor provision of law, or the Export-Administration Act of 1979 or the National Defense, and the International Monetary Fund.

The international financial institutions described in this subparagraph are the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund.

(3) PROHIBITION OF ARMS SALES.—The President may prohibit the transfer of defense articles, services, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751) to a country that fails to meet such standards. The President shall exercise the authority of this subsection so as to avoid adverse effects on vulnerable populations, including women and children.

(4) EXPORT RESTRICTIONS.—The President may prohibit or otherwise substantially restrict exports to the country of goods, technology, and services (excluding agricultural commodities and otherwise subject to control) and may suspend existing licenses for the transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 or the Export Administration Regulations.

(c) REPORT TO CONGRESS.—Upon exercising the authority of subsection (a), the President shall submit a report to Congress on the measures applied under this section and the reasons for the application of the measures.

SEC. 10. ACTIONS AGAINST GOVERNMENTS FAILING TO MEET MINIMUM STANDARDS.

(a) AUTHORITY TO SANCTION TRAFFICKERS IN PERSONS.—(1) IN GENERAL.—The President may exercise the IEEPA authorities relating to importation without regard to section 206 of the International Emergency Economic Powers Act (30 U.S.C. 1701) in the case of a person on the list described in subsection (b) identified pursuant to subparagraph (A).

(2) PENALTIES.—The penalties set forth in section 206 of the International Economic Powers Act (30 U.S.C. 1701) apply to violations of any license, order, or regulation issued under paragraph (1).

(3) IEEPA AUTHORITY.—For purposes of this paragraph, 'authorities relating to importation' means the authorities set forth in section 202(a) of the International Emergency Economic Powers Act (30 U.S.C. 1702(a)).

(b) LIST OF TRAFFICKERS IN PERSONS.—(1) COMPILING LIST OF TRAFFICKERS IN PERSONS.—The Secretary of State is authorized to compile a list of the following persons:

(A) Any foreign person that plays a significant role in a severe form of trafficking in persons, directly or indirectly in the United States or any of its territories or possessions;

(B) Foreign persons who materially assist in, or provide financial or technological support for to or, or providing goods or services in support of, acts of severe forms of trafficking in persons identified pursuant to subparagraph (A); and

(C) Foreign persons that are owned, controlled, or directed by, or acting for or on behalf of, a significant foreign trafficker so identified pursuant to subparagraph (A).

(i) Regulations.—The Secretary of State shall make additions or deletions to any list compiled under paragraph (1) on an ongoing basis based on the latest information available.

(j) CONSULTATION.—The Secretary of State shall consult with the following officers in carrying out paragraphs (1) and (2):

(A) The Attorney General;

(B) The Director of Central Intelligence;

(C) The Director of the Federal Bureau of Investigation;

(D) The Secretary of Labor.

(2) PUBLICATION OF LIST.—Upon compiling the list referred to in paragraph (1) and within 30 days of any revisions to such list, the Secretary of State shall submit the list or revisions to such list to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on Foreign Relations, the Judiciary, and the Select Committee on Intelligence of the Senate; and publish the list or revisions to such list in the Federal Register. If such persons have been admitted, convicted, or been formally found to have participated in the acts described in paragraph (1) (A), (B), and (C), the Secretary of State shall (i) identify publicly the foreign persons from the list published under subsection (b)(4) that the President determines are appropriate for sanctions pursuant to this section; and (ii) detailing publicly the sanctions imposed pursuant to this section.

(3) EXCLUSION OF CERTAIN INFORMATION.—(1) IN GENERAL.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the identity of any person.

(2) PUBLICATION OF LIST.—Upon exercising the authority of subsection (a), the President shall submit a report to the Committees on the International Relations and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committees on Foreign Relations and the Judiciary, and the Select Committee on Intelligence of the Senate.

(3) IDENTIFICATION.—The President may prohibit the transfer of defense articles, services, defense services, or design and construction services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to the country by any international financial institution, the Export-Import Bank of the United States or any successor provision of law, or the Export-Administration Act of 1979 or the National Defense, and the International Monetary Fund.

(4) PUBLICATION OF LIST.—Upon compiling the list referred to in paragraph (1) and within 30 days of any revisions to such list, the Secretary of State shall submit the list or revisions to such list to the Committees on the International Relations and Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives; and to the Committees on Foreign Relations, the Judiciary, and the Select Committee on Intelligence of the Senate; and publish the list or revisions to such list in the Federal Register. If such persons have been admitted, convicted, or been formally found to have participated in the acts described in paragraph (1) (A), (B), and (C), the Secretary of State shall (i) identify publicly the foreign persons from the list published under subsection (b)(4) that the President determines are appropriate for sanctions pursuant to this section; and (ii) detailing publicly the sanctions imposed pursuant to this section.

(4) EXCLUSION OF CERTAIN INFORMATION.—(1) IN GENERAL.—Notwithstanding any other provision of this section, the list and report described in subsections (b) and (c) shall not disclose the identity of any person.

(2) PUBLICATION OF LIST.—Upon exercising the authority of subsection (a), the President shall submit a report to Congress on the measures applied under this section and the reasons for the application of the measures.
under this subsection, the Director of Central Intelligence or the Attorney General shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and explain the reasons for such determination.

(B) The notification required under this paragraph shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate not later than J.July 1, 2001, and on an annual basis thereafter.

(e) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES.—Nothing in this section prohibits or otherwise limits the authority of law enforcement or intelligence activities of the United States or the law enforcement activities of any State or subdivision thereof.

(f) EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILICIT ACTIVITIES OF TRAFFICKERS IN PERSONS.—Section 212(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraph:

"(H) TRAFFICKERS IN PERSONS.—Any alien who—"

"(1) is on the most recent list of traffickers provided in section 11 of the Trafficking Victims Protection Act of 2000, or who the consular officer or the Attorney General knows or has reason to believe is or has been a knowing aider, abettor, assister, conspirator, or co-conspirator in severe forms of trafficking in persons, as defined in the section 3 of such Act; or"

"(ii) who the consular officer or the Attorney General knows or has reason to believe is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible."
“(B) any property, real or personal, constituting or derived from, any proceeds that constitute or derived from, any proceeds obtained, directly or indirectly, by the commission of any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure and civil forfeiture under this subsection.

(d) WITNESS PROTECTION.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for purposes of application of chapter 224 (relating to witness protection).”;

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title relating to civil forfeitures shall extend
tended to be used to commit or to facilitate
forfeiture to the United States and no prop-
judicial proceeding in relation thereto, shall
under this subsection, any seizure and dis-
such person obtained, directly or indirectly,
constituting or derived from, any proceeds that

“(A) Random or systematic selection of Title 18, United States Code, is amended—

(iii) involve the use or threatened use of a

means any person in or into a condition that

suffer serious harm or physical re-

4. [Title 18, United States Code, is amended—]

(a) by striking “10 years” and inserting “20 years”; and

(b) by adding at the end the following: “If death results from a violation of this section, or if under this section the defendant’s acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.”.

In section 1584—

(A) by inserting “(a) before “Whoever”; and

(b) by adding at the end the following new subsection:

“(b) For purposes of this section, the term ‘involuntary servitude’ includes a condition of servitude induced by—

(1) any act, scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint, or

(2) the abuse or threatened abuse of the legal process.”.

(3) by inserting at the end the following new sections:

“§ 1589. Trafficking with respect to peonage, slavery, or involuntary servitude

Whoever knowingly recruits, harbors, transports, provides, or obtains by any means any person in or into a condition that constitutes a violation of this chapter for the purpose of subjecting the person to or maintaining the person in a condition of servitude shall be fined under this title or imprisoned not more than 20 years, or both. If death results from a violation of this section, or if under this section the defendant’s acts constitute kidnapping or an attempt to kidnap, aggravated sexual abuse, or the attempt to commit aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title or imprisoned for any term of years or life, or both.”.

“§ 1590. Sex trafficking of children or by force, fraud, or coercion

(a)(1) Recruits, harbors, transports, provides, or obtains by any means any person in or into a condition that constitutes a violation of this chapter for the purpose of engaging the person in sexual service shall be fined under this title or imprisoned not more than 20 years, or both.

(b)(2) If the offense was not so effectuated, and the person transported had not attained the age of 18 years and will be caused to engage in commercial sexual service, he shall be punished as provided in subsection (b).

(c) DEFINITION.—In this section:

(1) Coercion.—The term ‘coercion’ includes—

(A) any act, scheme, plan, or pattern intended to cause a person to believe that if the person did not engage in a commercial sexual act, that person or another person would suffer serious harm or physical restraint, and
(B) the abuse or threatened abuse of law or the legal process.

(2) COMMERCIAL SEX ACT. — The term ‘commercial sex act’ means any sex act, in or affecting interstate or foreign commerce, on account of which anything of value is given to or received by any person, and—

(a) which takes place in the United States; or

(b) in which either the person who caused or is expected to participate in the act or the person committing the violation is a United States citizen or is a person admitted for permanent residence in the United States.

§ 1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, involuntary servitude, or slavery

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking.

(2) In carrying out this subsection, the Sentencing Commission shall—

(a) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(b) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to offenses involving voluntary servitude, and slave trade offenses; and

(c) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person;

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures described in paragraph (1) of this subsection, and the rates established for a semipostal under this section shall be equal to the rate established for the applicable semipostal.

§ 1593. General provisions

(a) An attempt to violate section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.

(b) The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States—

(A) such person’s interest in any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.

(c)(1) The following shall be subject to forfeiture to the United States and no property right shall exist in them:

(A) Any personal property used or intended to be used to commit or to facilitate the commission of any violation of this chapter;

(B) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.

(2) The provisions of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.

(d) Witness Protection.—Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection), and

(3) by amending the table of sections at the beginning of chapter 77 by adding at the end the following new items:

1589. Trafficking with respect to peonage, slavery, or involuntary servitude.

1590. Sex trafficking of children or by force, fraud, or coercion.

1591. Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, or involuntary servitude.


(b) Amendment to the Sentencing Guidelines.—

(1) Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to offenses involving the trafficking of persons including component or related crimes of peonage, involuntary servitude, slave trade offenses, and possession, transfer or sale of false immigration documents in furtherance of trafficking.

(2) In carrying out this subsection, the Sentencing Commission shall—

(a) take all appropriate measures to ensure that these sentencing guidelines and policy statements applicable to the offenses described in paragraph (1) of this subsection are sufficiently stringent to deter and adequately reflect the heinous nature of such offenses;

(b) consider conforming the sentencing guidelines applicable to offenses involving trafficking in persons to the guidelines applicable to offenses involving voluntary servitude, and slave trade offenses; and

(c) consider providing sentencing enhancements for those convicted of the offenses described in paragraph (1) of this subsection that—

(i) involve a large number of victims;

(ii) involve a pattern of continued and flagrant violations;

(iii) involve the use or threatened use of a dangerous weapon; or

(iv) result in the death or bodily injury of any person;

(3) The Commission may promulgate the guidelines or amendments under this subsection in accordance with the procedures described in paragraph (1) of this subsection, and the rates established for a semipostal under this section shall be equal to the rate established for the applicable semipostal.
and procedures established under subsection (f).

(3) Recovery of costs.

(A) In general.—Not later than 6 months after the date on which the Congress receives a report submitted under subsection (d)(1), the Postal Service shall recover the costs incurred by the Postal Service as of the date of such payment.

(B) Payment.—Before making any payment under subsection (d)(1), the Postal Service shall recover the costs incurred by the Postal Service in issuing a semipostal to a minimum.

(4) Other funding not to be affected.—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any determination by the Postal Service of appropriations or other Federal funding to be furnished to an agency in any fiscal year.

(e) Minimum costs.—The Postal Service shall to the maximum extent practicable keep the costs incurred by the Postal Service in issuing a semipostal to a minimum.

(f) Other funding not to be affected.—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any determination by the Postal Service of appropriations or other Federal funding to be furnished to an agency in any fiscal year.

(2) Upon receipt of a report submitted under subsection (d)(1), each House shall provide copies of the report to the chairman and ranking member of the Governmental Affairs Committee in the Senate and the Government Reform Committee in the House.

(3) The decision of the Postal Service with respect to the implementation of a decision to issue a semipostal shall take effect on the date on which the Congress receives the report submitted under subsection (d)(1).

(4) If the Congress passes a joint resolution of disapproval described in subsection (7), then the following procedures shall be applied in making those decisions:

(A) IN GENERAL.—If any semipostal ceases to be of sufficient duration to be of interest to the public, or if the Postal Service determines that a joint resolution of disapproval described in subsection (7) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission date defined under subsection (8)(B), such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

(B) The joint resolution of the Senate described in subsection (7) shall be referred to the committee in the United States House of Representatives respective to a joint resolution described in subsection (7) of the House receiving the joint resolution.

(8)(A) In the Senate, when the committee to which a joint resolution is referred has reported, the joint resolution shall remain the unfinished business of the Senate until disposed of on the Senate floor.

(B) In the House, a joint resolution shall be treated as a pending motion and shall not be in order. If a motion to recommit the joint resolution is agreed to, it shall be placed on the Calendar and the motion to recommit the joint resolution shall be in order. If the joint resolution is not recommitted, it shall be in order in the Senate and the House for a period of time equal to the time remaining in the Congress after the date of its introduction.

(9) The Senate shall not be referred to a committee the joint resolution of that House described in subsection (7) and the joint resolution shall not be considered.

(10) The joint resolution of the other House shall not be referred to a committee.

(11) If, before the passage by one House of a joint resolution of that House described in subsection (7), that House receives from the other House a joint resolution described in subsection (7), then the following procedures shall be applied in making those decisions:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) The joint resolution of the other House shall not be considered.

(C) Neither the joint resolution of the other House nor the joint resolution of the Senate shall be considered.

(D) The joint resolution of the other House shall not be passed.
NOTICES OF HEARING
COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight field hearing has been scheduled before the Subcommittee on Energy and Natural Resources.

The hearing will take place on Wednesday, August 23 at 9 a.m. in the U.S. Federal Courthouse, Courtroom 1, located at 222 West 7th Avenue, 2nd Floor, Anchorage, AK.

The purpose of the hearing is to conduct oversight of the implementation of the federal takeover of subsistence fisheries in Alaska. Additionally, the Committee will examine the recent decision by the Federal Subsistence Board regarding a "rural" determination for the Kenai Peninsula. Oral testimony will be provided by members of the Federal Subsistence Board.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please contact Brian Malnak at 202-224-8119 or Jo Meuse at 202-224-4756.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forestry and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 7, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C. This hearing was previously scheduled to take place on July 26, 2000.

The purpose of the oversight hearing is to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224-6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Tuesday, September 12, 2000 at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct oversight on the status of the Biological Opinions of the National Marine Fisheries Service and the U.S. Fish and Wildlife Service on the operations of the Federal hydropower system of the Columbia River.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCAIN. 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 Thursday, July 27, 2000. The purpose of this meeting will be to review the Federal Sugar Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCAIN. 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 Thursday, July 27, 2000. The purpose of this hearing will be to review proposals to establish an International School Lunch Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 27, 2000, at 9:30 a.m. on antitrust issues in the airline industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, July 27 at 9:30 a.m. to conduct an oversight hearing. The Committee will receive testimony from representatives of the General Accounting Office on the 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this meeting will be to review the Federal Sugar Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this hearing will be to review proposals to establish an International School Lunch Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 27, 2000. The purpose of this hearing will be to review proposals to establish an International School Lunch Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES
on Thursday, July 27, 2000, for an Open Executive Session to consider favorably reporting the following nominations: Robert S. LaRussa to be Under Secretary for International Trade, Department of Commerce; Jonathan T. Karl to be Assistant Secretary (Tax Policy), 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 THE JUDICIARY

Mr. McCain. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 27, 2000, at 10 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. McCain. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to hold a markup on pending legislation, and on the nominations of Thomas L. Garthwaite, M.D., to be Under Secretary for Health, Department of Veterans Affairs, and Robert M. Walker to be Under Secretary for Memorial Affairs, Department of Veterans Affairs.

The hearing will be held on Thursday, July 27, 2000, at 10 a.m., in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. McCain. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 27, 2000 at 3:30 p.m. to hold a closed confirmation hearing on the nomination of John E. McLaughlin to be Deputy Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. McCain. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet, July 27, 2000 from 9:30 a.m. to 12:30 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. McCain. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Business Rights and Competition be authorized to meet to conduct a markup on Thursday, July 27, 2000, at 9:30 a.m. The markup will take place in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. McCain. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Thursday, July 27, 2000, at 2 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. McCain. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 27, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1734, a bill 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, a bill 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. 2945, a bill 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, and for other purposes; S. 2636, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; H.R. 2541, a bill to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; and S. 2648, a bill to provide for the exchange to benefit the Pecos National Historic Park in New Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. Wellstone. I ask unanimous consent that intern Sarah Schnerer be permitted privilege of the floor this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Durbin. Mr. President, I ask unanimous consent Natacha Blain and David Sarokin of my staff be permitted access to the floor during the discussion of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:


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JOHN WARNER  
Chairman, Committee on Armed Services, July 7, 2000.


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PHIL GRIFFIN  
Chairman, Committee on Banking, Housing, and Urban Affairs, June 30, 2000.


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PETE V. DOMENICI  


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JOHN MCCAIN  


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RICHARD G. LUGAR  
Chairman, Committee on International Relations, July 9, 2000.
### Consolidated Report of Expenditure of Foreign Currencies and Appropriated Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Energy and Natural Resources for Travel from Apr. 1 to June 30, 2000—Continued

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<td>Taiwan New Taiwan Dollar</td>
<td>29,453</td>
<td>966.00</td>
<td></td>
<td>5,338.08</td>
<td>29,453</td>
</tr>
<tr>
<td></td>
<td>Hong Kong Hong Kong Dollar</td>
<td>5,970</td>
<td>690.00</td>
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<td>5,970</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>5,313.00</td>
<td>19,064.28</td>
<td>24,377.28</td>
</tr>
</tbody>
</table>

**Chairman, Committee on Energy and Natural Resources, June 12, 2000.**

### Consolidated Report of Expenditure of Foreign Currencies and Appropriated Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Finance for Travel from Apr. 1 to June 30, 2000

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Bob Graham:</td>
<td>Costa Rica Costa Rica Dollar</td>
<td>1,961.16</td>
<td>1,180.00</td>
<td>3,081.00</td>
<td>1,961.16</td>
<td>3,081.00</td>
</tr>
<tr>
<td>Robert Filippone:</td>
<td>Dollar</td>
<td>173.00</td>
<td></td>
<td></td>
<td></td>
<td>173.00</td>
</tr>
<tr>
<td>Richard Christ:</td>
<td>Switzerland Swiss Franc</td>
<td>1,961.16</td>
<td>1,180.00</td>
<td>3,081.00</td>
<td>1,961.16</td>
<td>3,081.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td>1,526.00</td>
<td>3,901.00</td>
<td>3,427.00</td>
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</tbody>
</table>

**Chairman, Committee on Finance, July 18, 2000.**

### Amendment to 4th Quarter 1999 Consolidated Report of Expenditure of Foreign Currencies and Appropriated Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Foreign Relations for Travel from Oct. 1 to Dec. 31, 1999

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nancy Shalton:</td>
<td>India India Dollar</td>
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<td></td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

**Chairman, Committee on Foreign Relations, July 25, 2000.**

### Amendment to 1st Quarter 2000 Consolidated Report of Expenditure of Foreign Currencies and Appropriated Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Foreign Relations for Travel from Jan. 1 to Mar. 31, 2000

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Joseph Biden:</td>
<td>France France Dollar</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Chairman, Committee on Foreign Relations, July 25, 2000.**

### Consolidated Report of Expenditure of Foreign Currencies and Appropriated Funds for Foreign Travel by Members and Employees of the U.S. Senate, Under Authority of Sec. 22, P.L. 95–384—22 U.S.C. 1754(b), Committee on Foreign Relations for Travel from Apr. 1, to June 30, 2000

<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>U.S. dollar equivalent or U.S. currency</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
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</thead>
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<tr>
<td>Michael Milken:</td>
<td>Kenya Kenya Dollar</td>
<td>572.00</td>
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<td>572.00</td>
</tr>
<tr>
<td></td>
<td>Somalia Somalia Dollar</td>
<td>250.00</td>
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<td>250.00</td>
</tr>
<tr>
<td></td>
<td>United States United States Dollar</td>
<td>4,528.31</td>
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<td></td>
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<td>4,528.31</td>
</tr>
<tr>
<td></td>
<td>Marshall Billingslea:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hong Kong Hong Kong Dollar</td>
<td>325.00</td>
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<td>325.00</td>
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<td><strong>Total</strong></td>
<td></td>
<td></td>
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</table>

**Chairman, Committee on Foreign Relations, July 25, 2000.**
<table>
<thead>
<tr>
<th>Name and country</th>
<th>Name of currency</th>
<th>Foreign currency</th>
<th>Transportation</th>
<th>Miscellaneous</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
<td>U.S. dollar equivalent or U.S. currency</td>
</tr>
<tr>
<td>Singapore</td>
<td>Dollar</td>
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<td>1,200.00</td>
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<tr>
<td>Belgium</td>
<td>Dollar</td>
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<td>900.00</td>
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<td>900.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>5,941.73</td>
<td>5,941.73</td>
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<td>5,941.73</td>
</tr>
<tr>
<td>Michael Hallman</td>
<td>Dollar</td>
<td>562 27 4.00</td>
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<td>562 27 4.00</td>
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<tr>
<td>Japan</td>
<td>Dollar</td>
<td>815.99</td>
<td>639.30</td>
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<td>1,455.29</td>
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<td>Italy</td>
<td>Dollar</td>
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<td>571.75</td>
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<td>Dollar</td>
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<td>210.00</td>
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<td>210.00</td>
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<tr>
<td>Cambodia</td>
<td>Dollar</td>
<td>257.00</td>
<td>257.00</td>
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<td>257.00</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>7,011.32</td>
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<td></td>
<td>7,011.32</td>
</tr>
<tr>
<td>Marc Takei</td>
<td>Dollar</td>
<td>1,118.99</td>
<td>1,118.99</td>
<td></td>
<td>1,118.99</td>
</tr>
<tr>
<td>Austria</td>
<td>Dollar</td>
<td>3,029.88</td>
<td>3,029.88</td>
<td></td>
<td>3,029.88</td>
</tr>
<tr>
<td>Germany</td>
<td>Dollar</td>
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<td>726.10</td>
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<tr>
<td>England</td>
<td>Pound</td>
<td>100</td>
<td>100</td>
<td></td>
<td>100</td>
</tr>
<tr>
<td>U.S.</td>
<td>Dollar</td>
<td>5,270.40</td>
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<td></td>
<td>5,270.40</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>3,029.88</td>
<td>3,029.88</td>
<td></td>
<td>3,029.88</td>
</tr>
<tr>
<td>Germany</td>
<td>Dollar</td>
<td>210.00</td>
<td></td>
<td></td>
<td>210.00</td>
</tr>
<tr>
<td>France</td>
<td>Pound</td>
<td>84.91</td>
<td>84.91</td>
<td></td>
<td>84.91</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>129.00</td>
<td></td>
<td></td>
<td>129.00</td>
</tr>
<tr>
<td>Christopher Ford</td>
<td>Dollar</td>
<td>5,270.40</td>
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<td></td>
<td>5,270.40</td>
</tr>
<tr>
<td>United States</td>
<td>Dollar</td>
<td>3,029.88</td>
<td>3,029.88</td>
<td></td>
<td>3,029.88</td>
</tr>
<tr>
<td>Germany</td>
<td>Dollar</td>
<td>210.00</td>
<td></td>
<td></td>
<td>210.00</td>
</tr>
<tr>
<td>France</td>
<td>Pound</td>
<td>84.91</td>
<td>84.91</td>
<td></td>
<td>84.91</td>
</tr>
<tr>
<td>England</td>
<td>Pound</td>
<td>129.00</td>
<td></td>
<td></td>
<td>129.00</td>
</tr>
<tr>
<td>Richard Durbin</td>
<td>Dollar</td>
<td>510.777</td>
<td>245.64</td>
<td></td>
<td>510.777</td>
</tr>
<tr>
<td>Colombia</td>
<td>Dollar</td>
<td>515,991</td>
<td>243.85</td>
<td></td>
<td>515,991</td>
</tr>
</tbody>
</table>

**Total**: 6,272.48 | 21,332.64 | 27,605.12
MEASURES READ THE FIRST TIME

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the following bills be considered read for the first time and the request for their second reading be objected to, en bloc. They are: H.R. 728, H.R. 1102, H.R. 1264, H.R. 2348, H.R. 3048, H.R. 3468, H.R. 4033, H.R. 4079, H.R. 4201, H.R. 4923, H.R. 4846, H.R. 4888, H.R. 4700, H.R. 4681, and H.J. Res. 72.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the rule, the bills will receive their second reading on the next legislative day.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committee boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, SEPTEMBER 5, 2000

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon on Tuesday, September 5. I further ask
consent that on Tuesday, 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 until 12:30 p.m. with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. I further ask consent that the Senate recess in reassembled from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. When the Senate convenes on Tuesday, September 5, the Senate will be in a period of morning business from 12 to 12:30 p.m. Following morning business, the Senate will recess for the weekly party conference meetings. At 2:15 p.m., the 30 hours of postcloture debate on the China PNTR bill will begin. At 6 p.m., by previous consent, the Senate will begin consideration of the energy and water appropriations bill, with amendments in order. Under the agreement, these two bills will be considered simultaneously throughout the week.

ORDER FOR ADJOURNMENT

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate stand in adjournment—

Mr. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1608

Mr. WYDEN. Mr. President, I ask consent that on or before September 15, 2000, the majority leader, after notification with the minority leader, will turn to Calendar No. 520, S. 1608, and it be considered under the following agreement:

That there be 2 hours equally divided for general debate on the bill; that there be a managers’ amendment in the nature of a substitute; that there be up to two amendments for each leader, with one amendment of the minority leader be the amended by Senator Boxer; that they be first-degree amendments, relevant to the text of S. 1608, and limited to 1 hour each, to be equally divided in the usual form.

That following the disposition of the above described amendments, the use or yielding back of time, the Senate proceed to third reading and a vote on passage of S. 1608, as amended, if amended, without intervening action, motion, or debate.

I further ask consent that it be in order for either leader to vitiate the above agreement no later than 12 noon on Wednesday, September 6, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, my colleague and I thank the staff and those who have waited this long time. I tell them and anyone who is concerned that the wait has been worthwhile. This bill is the product of a bipartisan pair of Senators who I think tonight have shown what can happen if we work together. We respect one another. We work for the good of the American people.

Every State with timber growing in it, with children growing in it, with roads needing repair in it, will be better because of what we have done tonight.

I salute my colleague and I thank him very much for his role this evening.

ADJOURNMENT UNTIL SEPTEMBER 5, 2000

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon on Tuesday, September 5, 2000.

Thereupon, the Senate, at 9:53 p.m., adjourned until Tuesday, September 5, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 27, 2000.

EXECUTIVE OFFICE OF THE PRESIDENT

JOSÉ COLLADO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING DECEMBER 31, 2003. (REAPPOINTMENT)

JOSÉ COLLADO, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING DECEMBER 31, 2003. (REAPPOINTMENT)

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

JAMES H. ATKINS, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2004. (REAPPOINTMENT)

THE JUDICIARY

CHRISTINE M. ARQUELLO, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENNIS CIRCUIT, VICTOR JOHN C. PORTOLÉ, RETIRED.

DEPARTMENT OF JUSTICE

PAULA M. JUNGHANS, OF MARYLAND, TO BE AN ASSISTANT attorney general, VICE LORETTA COLLINS ARGENT, RETIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY ARE APPROVED (IDENTIFIED BY AN ASTERISK (*) UNDER TITLE 10, U.S.C. SECTIONS 614 AND 616):"
The following named officers for appointment as permanent limited duty officers to the grade indicated in the United States Marine Corps under Title 10, U.S.C., Section 502, are appointed:

**To be captain**

JACK G. ABATE, 0000
RANDY M. ADAIR, 0000
STEVEN W. ALDRIDGE, 0000
JEFF R. BAILLY, 0000
RAYMOND E. BARBINTON, 0000
DANNY A. BORDFORD, 0000
KERRY A. BURGESS, 0000
MARK P. BOOL, 0000
JOHN M. BOSS, 0000
DONALD L. BOHANNON, 0000
DAVID G. BOOSE, 0000
STEVE K. BOWDEN, 0000
MICHAEL L. BRYAN, 0000
WILLIAM A. BURWELL, 0000
MONTY A. CAMPBELL, 0000
RUDOLPH A. CARLSON, 0000
PETER D. CHABRENSKI, 0000
ROBSON W. CLAYTON, 0000
TIMOTHY M. COOLEY, 0000
CRANE P. DAUERS, 0000
CARL P. DAVID, 0000
DAVID M. DILLER, 0000
JOHN D. DREW, 0000
KENNETH A. MILLER, 0000
STEVEN D. MURPHY, 0000
CLIFFORD J. OWENS, 0000
JAMES E. PHILIP, 0000
MARK F. POPE, 0000
LEONARD W. PRYCE, 0000
TROY HAMILTON CRIBB, 0000
RICHARD A. QUINN, 0000
HARRY PETER LITMAN, 0000
WALTER S. LUGER, 0000
HARRY C. LUTHER, 0000
JEREMY C. MAK, 0000
CARL W. MALoney, 0000
JAMES W. MARIN, 0000
NAZARIO J. MARRONE, 0000
DAVID H. MCGOWEN, 0000
DANIEL A. MYERS, 0000
DAVID B. NELSON, 0000
JIMMY A. NIELSEN, 0000
JOSEPH M. NICOL, 0000
MICHAEL A. NOLAN, 0000
CAMERON W. NORRIS, 0000
ALEXANDER R. NURSE, 0000
DAVID G. O'BRIEN, 0000
DAVID S. O'BRIEN, 0000
BRIAN M. O'CONNOR, 0000
CHARLES A. O'NEIL, 0000
TROY H. ORR, 0000
DAVID J. OSHER, 0000
BRIAN A. O'SULLIVAN, 0000
STEVEN J. PAUL, 0000
BRIAN J. PENNINGTON, 0000
CRAIG M. PERRY, 0000
RUSS W. PEVERIL, 0000
CARL D. PHILLIPS, 0000
RICHARD J. PINCUS, 0000
STEVEN A. POGULSKY, 0000
JAMES J. PORTER, 0000
KURT D. POULSON, 0000
JAMES D. POWERS, 0000
VINCENT R. PRINCE, 0000
BRIAN M. QUINN, 0000
DAVID R. RAMIREZ, 0000
DANIEL A. RAPP, 0000
ROBERT J. RAWLINGS, 0000
MICHAEL A. REED, 0000
STEVEN J. RIFKIND, 0000
JAMES J. RICHOT, 0000
WILLIAM J. RICE, 0000
DAVID J. ROBERTS, 0000
DAVID G. ROBLE, 0000
JARED R. RODRIGUEZ, 0000
MICHAEL J. ROHRER, 0000
MARSHALL J. RUSH, 0000
LAWRENCE R. SABIMAN, 0000
JASON R. SCHERER, 0000
BRIAN J. SHERMAN, 0000
GREGORY J. SHIEFF, 0000
JACK R. SIMON, 0000
DAVID G. SING, 0000
JOHN B. SKAGG, 0000
JAMIE S. SMITH, 0000
WILLIAM B. SMITH, 0000
TIMOTHY P. SOLOMON, 0000
JONATHAN D. SORDEO, 0000
JULIAN D. SOUTHERN, 0000
DAVID D. SURNIAK, 0000
ROBERT J. TAYLOR, 0000
LARRY W. TAYLOR, 0000
JIMMY W. TEMPLETON, 0000
ERIK R. THILLING, 0000
JASON A. TINDALL, 0000
MARK A. TONER, 0000
JIMMY L. TOWERS, 0000
JAMES D. TRACY, 0000
JUAN E. TORO, 0000
VINCENT M. TOBIN, 0000
FRANKLIN J. TIPTON, 0000
ROBERT G. TIMPANY, 0000
BLAIR A. TIGER, 0000
JAMES M. TRACY, 0000

**IN THE NAVY**

The following named officer for appointment to the grade indicated in the United States Navy under Title 10, U.S.C., Section 502, is appointed:

**To be commander**

KRITH R. BELAU, 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. RAYMOND P. HUOT, 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 major general**

BRI. GEN. ALEXANDER H. BURGIN, 0000

To be brigadier general

COL. JONATHAN P. SMALL, 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. THOMAS R. CASE, 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 rear admiral**

BRAD. ADM. (LH) WILLIAM J. LYNCH, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

**To be vice admiral**

BRAD. ADM. (LH) DANIEL R. STONE, 0000

**To be be rear admiral (lower half)**

CAPT. CLINTON E. ADAMS, 0000
CAPT. STEVEN T. BART, 0000
CAPT. LOUIS V. CAPORAS, 0000
CAPT. WILLIAM J. MAGUIRE, 0000
CAPT. JOHN M. MATUSZUK, 0000
CAPT. ROBERT L. PHILLIPS, 0000
CAPT. DAVID D. PuTRIT, 0000
CAPT. DENNIS D. WEBB, 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 colonel**

MICHAEL R. MAROON, 0000

**CONCLUSIONS**

Executive nominations confirmed by the Senate July 27, 2000:

In the Air Force

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

**To be lieutenant general**

MAJ. GEN. RAYMOND P. HUOT, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

**To be major general**

BRI. GEN. ALEXANDER H. BURGIN, 0000

To be brigadier general

COL. JONATHAN P. SMALL, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

**To be lieutenant general**

LT. GEN. MICHAEL L. DODSON, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

**To be rear admiral**

BRAD. ADM. (LH) WILLIAM J. LYNCH, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C., Section 601:

**To be vice admiral**

BRAD. ADM. (LH) DANIEL R. STONE, 0000

**To be be rear admiral (lower half)**

CAPT. CLINTON E. ADAMS, 0000
CAPT. STEVEN T. BART, 0000
CAPT. LOUIS V. CAPORAS, 0000
CAPT. WILLIAM J. MAGUIRE, 0000
CAPT. JOHN M. MATUSZUK, 0000
CAPT. ROBERT L. PHILLIPS, 0000
CAPT. DAVID D. PuTRIT, 0000
CAPT. DENNIS D. WEBB, 0000

**To be colonel**

MICHAEL R. MAROON, 0000

**S7957**
IN THE ARMY


IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S. CODE, SECTION 211:

ELIZABETH A. ASHBURN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

THOMAS J. CONNALLY, 0000


NAVY


Mr. LANTOS. Mr. Speaker, in the long and difficult fight for freedom of the press in Russia we have won an important victory today. The Russian prosecutor informed Vladimir Gusinsky—head of Russia’s Media-Most media conglomerate—that the case against him has been dropped for “the lack of a fact of a crime.”

Mr. Speaker, the prosecutor’s action against Mr. Gusinsky was never simply a case of prosecuting a crime. From the beginning it has been a case of seeking to persecute and harass and intimidate the free press in Russia. Vladimir Gusinsky is the head of Media-Most, which owns NTN television network, Russia’s leading independent television network, as well as Echo of Moscow radio, and a number of other important independent media ventures.

It is significant, Mr. Speaker, that NTN and other Media-Most journalists have been critical of Russian President Putin and of the actions of the Russian government. Critical journalism is certainly nothing that would even raise eyebrows in the United States or Western Europe or other free countries around the world.

Mr. Speaker, the harassment of Mr. Gusinsky involved actions against him that go well beyond what would be done in a normal criminal proceeding involving such charges. Mr. Gusinsky was jailed for four days in June; in a high-handed fashion authorities seized documents from his company’s offices several times; after he was released from jail, he was repeatedly called in for questioning; he was prohibited from traveling abroad; and steps were taken to freeze his personal assets.

On a number of occasions in the past, I have called to the attention of my colleagues in this House the systematic efforts to harass and intimidate the independent media in Russia. I hope that President Putin now understands that there is no room for Russia in the community of free and democratic nations if his government engages in efforts to oppress and threaten the free press in Russia.

Mr. Speaker, the dropping of charges against Mr. Gusinsky represents a victory for democracy and press freedom in Russia, but the battle is far from over. We must continue and strengthen our efforts to preserve free media in Russia.

HON. THOMAS M. DAVIS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to introduce legislation that will endow the Federal Government with the ability to better coordinate and manage information technology policies. The proposed legislation would establish a national model for information resources management and information security practices. The Federal Information Policy Act (FIPA) of 2000 establishes an Office of Information Policy with a Chief Information Officer (CIO) for the United States and creates within that body, an Office of Information Security and Technical Protection (IN STEP). This legislation harmonizes existing information resources management responsibilities now held by OMB and provides IN STEP with the responsibility for facilitating the development of a comprehensive, federal framework for devising and implementing effective, mandatory controls over government information security. In this latter respect, the Act is the logical complement to legislation I introduced in April, the Cyber Security Information Act of 2000, which seeks to encourage private sector information sharing with government in order to protect our national critical infrastructure. The Federal Information Policy Act will force the Federal Government to put its house in order and become a reliable public partner for protecting America’s information highways.

For nearly four decades, information technology has been an integral component of information resources management (IRM) by the Federal Government. The Government’s role as the single largest procurer of IT products and services in the 1960s and 1970s spurred the development of the U.S. computer industries that now form the backbone of our nation’s New Economy. A decade ago, technology stood as one of many factors important to the mission and performance objectives of the Federal Government. Now both our economy and our society have become information-driven, such that IT plays the critical role in facilitating the Federal Government’s ability to be effective and efficient in managing federal programs and spending, communicating with and providing services to citizens, and protecting America’s critical infrastructure.

Five years ago, Congress recognized the crucial role played by technology when we called on the Administration to appoint a top-level officer to focus exclusively on the Year 2000 computer problem that threatened to undermine national commerce and government. This determination—that a single individual was needed to coordinate national and local cooperation to remediate computer systems and develop contingency plans—was based in part on an understanding of the interconnectivity of information systems within government, between government and the private sector, and within the private sector. The President heeded our recommendation and appointed John Koskinen to a Cabinet-level position as the chairman of the President’s Council on Year 2000 Conversion.

Moreover, the Year 2000 computer problem highlighted two important deficiencies in the current Federal IRM structure. First, the Y2K scenario presented an important reminder that technology does not fill some amorphous role within the Federal Government. It is the ubiquitous thread that binds the operations of the Federal Government, and its efficient or inefficient use will make or break the ability of government to perform everything from the most mundane of governmental functions to the most critical national security measures. Second, the high degree of interdependence between information systems, both internally and externally, exposes the vulnerability of the Federal Government’s computer networks to both benign and destructive disruptions. This factor is tremendously important to understanding how we devise a comprehensive and flexible strategy for coordinating, implementing and maintaining federal information practices throughout the Federal Government as the rising threat of electronic terrorism emerges.

In following the lessons learned from the Y2K problem as well as the recent Love Bug viruses that affected many federal computer systems, the Federal Information Policy Act accomplishes four main purposes: (1) to revise chapter 35 of title 44 of the U.S. Code to establish a Federal Chief Information Officer to head the Office of Information Policy (OIP) within the Executive Office of the President; (2) to consolidate and centralize IRM powers currently allotted to the Office of Management and Budget (OMB) within the OIP; (3) to establish within the OIP the Office of Information Security and Technical Protection (IN STEP); and (4) to establish a comprehensive framework implementing mandatory information security standards, and annual independent evaluations of agency practices in order to provide effective controls over federal information resources. The Act creates a new chapter 36 to retain OMB’s paperwork clearance functions that are currently contained in chapter 35 and are performed by the Office of Information and Regulatory Affairs.

This past May, at the Center for Innovative Technology in my congressional district, the House Government Reform Subcommittee on Government Management, Information, and Technology held a hearing in which we explored the strategies and challenges facing government in implementing electronic government initiatives. We learned that while electronic government initiatives promise to provide faster, more efficient, and convenient services, the Internet sets forth a wide array of challenges that must be addressed in order for the lower costs and improved customer service associated with electronic government to be realized. These include theft, fraud, consumer privacy protection, and the destruction...
of assets. To meet those challenges, the General Accounting Office [GAO] testified that "effective top management leadership, involvement, and ownership are a cornerstone of any information technology investment strategy." The Paperwork Reduction Act [PRA] established the Office of Information and Regulatory Affairs [OIRA] within OMB and gave the Office the authority to reduce unnecessary paperwork burdens and to "develop and maintain a Governmentwide strategic plan for information resources management." However, in a July 1998 report, the GAO found that OIRA had failed to satisfy some of its IRM responsibilities assigned by the PRA. And last year, the GAO found that improvements in broad IT management reforms "will be difficult to achieve without effective agency leadership support, highly qualified and experienced CIOs, and effective OMB leadership and oversight."

I am deeply concerned that current federal IRM policies are suffering from the lack of a focused, coordinating body. The Clinger-Cohen Act of 1996, the 104th Congress, made an important contribution to Federal IT policy by mandating that federal agencies appoint Chief Information Officers and by recognizing the need to coordinate and facilitate interagency collaboration and policy development. The Clinger-Cohen Act set a role given to OMB. But having each agency develop IT policies independently of one another poses the potential risk of having a government unable to communicate and function and function amongst its own parts. A central IT management process is essential if government is going to be successfully able to achieve cost benefits similar to those experienced in the private sector and improve its responsiveness to the public through e-government and better-performing Federal operations. And that coordinating entity must be capable of developing comprehensive policies that reflect the interdependence of federal information systems.

With its many management responsibilities, OMB is simply unable to devote the attention needed for effective ITRM. FIPA creates a CIO of the United States to fulfill that coordinating role, acting as the principal adviser to the President on the development, application and management of information technology government-wide. He or she will be able to encourage innovation in technology uses, coordinate inter-agency IRM initiatives and communications, and promote cost-effective investments in information technologies. The Act also formalizes the establishment of the Chief Information Officers Council, which currently exists by virtue of a 1996 Executive Order. Made up of the CIOs from the major Federal agencies, the CIO Council provides an important forum for interagency communication and for implementation policies, procedures, and standards. The Federal CIO will chair the Council, a position now held by the Deputy Director for Management at OMB, and must submit an annual report to the President and Congress on its achievements and recommendations for future initiatives.

A Federal CIO will allow OIRA to concentrate and improve on the critical function of papework reduction that is so important to our continued efforts to minimize bureaucratic burdens on individuals, small businesses, and others resulting from the collection of information by or for the Federal Government. It is for this reason that the paperwork clearance functions are maintained in FIPA.

Equally critical is the ability of the Federal Government to anticipate, monitor, and recover from intrusions into Federal computer networks. This important objective was detailed in the President's National Plan for Information Systems Protection, Version 1.0, issued on April 15, 1997. The President's plan requires that the government have experienced, at one time or another, cyber security breaches. Under current law, rules and regulations governing the security of federal computer systems are guided by the Computer Security Act of 1987 and the Computer Sciences Act of 1984. The result is that several agencies including OMB, the National Institute of Standards and Technology [NIST], the General Services Administration, and the National Security Agency, all play a role in overseeing and implementing computer security procedures and reviews. Cyber security readiness is an intrinsic element of every information resources management. But like Federal IRM policy in general, the integrity of Federal information systems is being endangered by a lack of government-wide coordination and implementation of proven information security policies.

Certainly, each Federal agency must bear the responsibility for assessing risk, detecting and responding to security incidents, and protecting its own operations and assets. It is for this reason that this legislation also adapts risk-based policies and procedures. The Government Information Security Act championed by Senate Governmental Affairs Committee Chairman FRED THOMPSON. It requires every Federal agency to develop and implement security policies that include risk assessment, risk predictions, risk-based awareness training, and periodic reviews.

However, in a March 2000 Senate hearing on the Government Information Security Act, the GAO pointed to compelling reasons for establishing strong central leadership for coordinating information security-related activities across government. Foremost is the inadequacy of information-sharing among agencies regarding vulnerabilities and solutions to those weaknesses, as well as the lack of a clear mandate for handling and reporting security incidents to the Director of information security practices.

For instance, in a March 29, 2000 hearing, the House Government Reform Subcommittee on Government Management, Information and Technology examined the state of information security practices throughout the Federal Government. GAO shared its most recent review at that time of the Environmental Protection Agency [EPA]. Its tests found "numerous security weaknesses associated with the computer operating systems and the agencywide computer network that support most of EPA's mission-critical systems." Specifically, the EPA had recorded several serious computer incidents within the last two years but the GAO indicated that EPA's subsequent methods for strengthening its security procedures were inadequate. In an earlier report, the GAO stated that "resolving EPA's information security problems will require substantial ongoing management attention since security programs planning and management to date have largely been a paper exercise doing little to substantively identify, evaluate, and mitigate risks to the agency's data and systems.

As part of its testimony, the GAO referred to earlier findings that 22 of the largest federal agencies were providing inadequate protection for critical federal operations and assets from computer-based attacks. GAO reported that within the past year, it was able to identify systemic weaknesses in the information security practices of the Department of Defense, the National Aeronautics and Space Administration, the Department of State, and the Department of Energy. Nevertheless, sensitive data and/or mission-critical systems were penetrable by unauthorized users.

These results reflect government-wide systemic weaknesses and follow numerous GAO audits which have repeatedly identified serious failures in the most basic access controls for Federal information systems. In its May 1999 tests of NASA's computer-based controls, GAO was able to successfully gain access to several mission-critical systems, and could have easily disrupted command and control operations conducted through orbiting spacecraft. An independent auditor found last August that the State Department's mainframe computer was extremely vulnerable to unauthorized access that could expose, in turn, other computer operations connected to those mainframe computers. These are just a few examples of the weaknesses that currently plague Federal agency information security practices.

Another key challenge to making the Federal Government more secure lies in the mind set of many federal agencies vis-a-vis the importance of information and information operations. For many, implementing best practices for controlling and protecting information resources is a low priority. A centralized leader would be able to make information security one of the top priority missions of the Federal Government. It is this overarching responsibility that is given to the United States CIO in the Act, and is subsequently delegated to the Director of IN STEP. In establishing government-wide policies, the IN STEP Director will direct the implementation of a continuing risk management cycle within each Federal agency, implement effective controls on information to address identified risks, promote awareness of information security risks among users, and act as a continual monitor and evaluator of policy and control effectiveness of information security practices.

In addition, the Federal Information Policy Act tightens the responsibilities of each Federal agency for implementing security procedures and policies that ensure the protection of its information systems. The CIO, in consultation with the Director of IN STEP, will have enforcement authority over individual agencies through his or her ability to make recommendations to the Director of OMB with respect to funding for information resources. This provision is necessary to ensuring that IN STEP is adequately funded and authorized to carry out its mission of ensuring each Federal agency for information security management.

And finally, two other important features are included that are vital for the long-term development of flexible and responsive information security controls. The first is investing authority in the Director of IN STEP, through the act, to require Federal agencies to identify and classify the security risks associated with each of their information operations, and to calculate the risk and magnitude of harm that would result from an intrusion. IN STEP will have simultaneous authority to oversee the design, implementation, and maintenance of mandatory minimum control standards developed by NIST, that would be required for each classification. For this purpose, final authority is
given to the CIO, in consultation with the Secretary of Commerce, to decide and officially issue the standards. And the Act requires the Inspector General or an independent evaluator to conduct an independent evaluation of the information security program and practices of each agency on an annual basis, which will subsequently be reported to the U.S. Congress.

At the time when the growth and success of our competitive national economy is clearly demonstrating a correlation to the Information Revolution, the Federal Information Policy Act will secure the ability of our Federal Government to fully utilize information technology in order to better serve American citizens. And in a time when including government— that is connected to a computer needs to make information security a priority, we are finding that the Federal Government is dangerously behind the curve. We are losing time. FIPA will spur the actions needed to achieve readiness against future cyber security threats in a uniform and coordinated process. It is my hope that Congress will act on this measure as soon as possible so that the Federal Government will move forward and become a leader in the management and protection of governmental information systems.

VOLUNTEERS RESTORE ROSIE THE RIVETER’S VICTORY SHIP

HON. GEORGE MILLER
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, earlier this month, the House of Representatives unanimously passed my legislation to create a Rosie the Riveter National Historic Park in Richmond, CA. H.R. 4063, which has been the subject of a hearing also in the Senate Energy Committee, would honor all those who served, in uniform and in coveralls, wearing helmets or bandanas, hoisting a machine gun or a welder’s torch.

Rosie the Riveter is, in the words of the National Park Service, “the most remembered icon of the civilian work force that helped win World War II and has a powerful resonance in the women’s movement.” Rosie has been commemorated on posters, in the famous Norma Rockwell painting, and on a U.S. postage stamp. She remains one of the most enduring images of the Second World War.

Another legacy that is worth remembering and preserving is one of the 747 ships that the Rosies—and the Wендys and Welder—constructed at the Richmond Kaiser shipyards: the Red Oak Victory, one of the last surviving Victory ships that served in World War II. Eventually, the Red Oak Victory will play a crucial and permanent role in the National Historic Park. Today, she is being carefully restored by a small navy of volunteers that is stripping paint, cleaning rust, and reconstructing this legacy of the greatest war in history.

I want to pay tribute to the men and women who are volunteering their time to spruce up the Red Oak Victory so that future generations of residents, visitors and students can learn first hand about the home front efforts to win the war and the tremendous economic, demographic and social changes generated by the war effort.

The San Francisco Chronicle has published an account of the restoration effort, and I would like to share that report with my colleagues.

[From the San Francisco Chronicle, July 27, 2000]

ROSIE REVISITED—VOLUNTEER CREW IS RESTORING A W O R L D W A R II VICTORY SHIP, REMNANT OF RICHMOND'S SHIPYARDS

(By Chip Johnson)

Every Tuesday for the past year, Owen Olson has left his Daly City home and stepped back in time aboard the Red Oak Victory, the ship still afloat from Richmond’s giant Kaiser Shipyards—a remnant of the glory days when 747 ships were built there during the war.

On his weekly trip to Richmond, Olson is joined by a collection of aging wise guys and women, all alike, a place where they can work and reminisce and shave 30 years away.

He and his compatriots have but one common bond: a love for these old ships. So it was that when he first saw the ship. “I saw the mast from the highway, came aboard and the memories came flooding back,” he said.

“Right now, the boat is docked in Brickyard Cove Marina at an old city-owned dock, Terminal 9. She is a rusting gray lady, but there are signs of life aboard her. A gigantic winch is used to load one of the ship’s four huge cargo holds has been restored and is now operational.

The 5mm and 20mm guns aboard the vessel, which were used to fend off Japanese warships fighting the Japenese, lie on the deck until the day they are mounted on the gun tugs on the bow and stern of the ship.

The museum, the Red Oak Victory, will again will take far more than the elbow and knee sightings and old sea stories that Olson and J. P. Irvin, his mate in the engine room, or chief engineer Bill Jackson, will tell.

The cost is staggering—about $3 million to $4 million worth of mechanical repairs would require the giant vessel to be dry-docked. An equally long list of cosmetic work, including stripping, painting and odds and ends of others.

The museum has also applied to have the ship placed on the National Register of Historic Places, which would qualify it for funding.

Despite its state of disrepair, the Red Oak Victory—named after the tiny town in Iowa that suffered the heaviest losses per capita in World War II—was a working merchant ship in the Vietnam War before being decommissioned in 1969.

Jackson, a veteran seaman who sailed for 53 years, knows the feeling. The 62-year-old Oakland native was living in Costa Rica with a new wife and new son when he got a call in 1990 from an old sea buddy to help run a steam-powered supply ship in Operation Desert Storm.

A few years later, Jackson returned to Oakland, where he lives with family members and spends his days aboard the Red Oak Victory.

“I love this ship and the sea and the friendships with the men that have sailed here,” he said.

He must love ships because during World War II, he had two of them torpedoed from underneat him. He survived, but suffered injuries aboard the Courageous, which was sunk off the coast of Trinidad. He must love ships because during World War II, he had two of them torpedoed from underneat him. He survived, but suffered injuries aboard the Courageous, which was sunk off the coast of Trinidad.

“I love to see this ship live again,” Hauck said.
Mr. MALONEY of Connecticut. Mr. Speaker, this week marks the 10th anniversary of the Americans for Disability Act, which has helped all our fellow Americans to realize their full potential. In this regard, I was pleased to attend a ceremony last month here in the U.S. Capitol Building at which Pitney Bowes, a worldwide leader in messaging technology based in Connecticut, received the Blind American Veterans Foundation’s Corporate Award for their development of the Universal Access Copies.

This revolutionary copier incorporates many leading technologies, including the first-ever use of advanced speech recognition in a copier. This speech recognition software can “learn” any user’s voice pattern, including those with speech disabilities, and respond to any language. This enables users to operate every feature of the copier merely by stating simple commands in addition to voice activation, a touch screen and Braille keyboard allows operators to choose how they prefer to operate the system. The copier also adapts to differences in height allowing people with mobility limitations, including those in wheelchairs, to operate it. The Universal Access Copier provides those with disabilities and mobility limitations the opportunity to operate in employment opportunities that may not have been previously available to them.

At the ceremony, John Fales, Jr., President of the Blind American Veterans Foundation (BAVF), presented the award to Michael Critelli, CEO and Chairman of Pitney Bowes. This was the 15th annual George “Buck” Gillispie Congressional awards ceremony held as part of the 2000 Flag Week events. For those who may not know, BAVF was launched in 1985 by three American Veterans who lost their sight during service in Korea and Vietnam—John Fales (USMC), Don Garner (USN) and Dennis Wyatt (USN). All these individuals had achieved successful careers despite their blindness but they realized that many sensory disabled veterans had not had the same opportunities afforded them. Accordingly, they determined to form the foundation and pursue its goals of research, rehabilitation and re-employment.

I am proud to say the Universal Access Copier was developed at the Pitney Bowes Technology Center, which serves as the company’s “innovation incubator”, and symbolizes Pitney Bowes’ ongoing commitment to excellence in research and technological development. The Technology Center sits on a nine-acre site in my congressional district in Shelton, Connecticut and provides a consolidated engineering campus for several hundred engineers, scientists, and programmers. The company was previously honored for development of the copier when it was presented the Computerworld Smithsonian Institution’s Research Collection alongside such famous technological innovations as Samuel Morse’s original telegraph.

The copier is only one of many Pitney Bowes’ technological innovations. For the last 14 years, the company has ranked in the top 200 companies receiving U.S. patents. Pitney Bowes has received over 3,000 patents worldwide, with an average of more than 100 issued every year. Mr. Speaker, Pitney Bowes unwavering commitment to bring innovative technologies to all, including those with disabilities, truly stands out. I commend them on their work and look forward to their continued success.

TRIBUTE IN APPRECIATION OF DANIEL ZARAZUA

HON. JAMES A. BARCIA
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. BARCIA. Mr. Speaker, today I congratulate Chief Master Sergeant Daniel Zarazua on his retirement from the military service in appreciation for the many years of dedicated service that he has given to his family, his community, and his country.

Born August 5, 1952, Daniel Zarazua has lead a heroic and inspirational life. He joined the United States Air Force in 1970, and after completing basic training and technical school, he graduated as a Medical Service Specialist at Sheppard Air Force Base in Texas. He has served all over the world, including assignments in Taiwan, the Philippines, Italy, and Korea, and rose from the rank of Airman to Chief Master Sergeant in less than 20 years. He has received the Meritorious Service Medal, the Air Force Commendation Medal, and the Air Force Achievement Medal, among other decorations during his distinguished career.

But Daniel Zarazua has always been more than just a soldier. He has always been a dedicated family man. Ask his mother Lila, a truly remarkable woman in her own right, and she will tell you that her son, Dan, called her nearly every single Monday throughout his military career. And with a wife and two children of his own, seven natural siblings, nine step-siblings, he has had opportunities to be a husband, a father, a big brother, a little brother, and an uncle.

Throughout American history, there are stories of great heroism, tremendous sacrifice, and epic courage. America is safe and free because generations of men and women willingly endured the hardships and sacrifices required to preserve our liberty. They answered the call and were there to fight for the nation, so that all of us could enjoy the freedoms we hold so dearly. America is truly the land of the free and home of the brave because of men like Daniel Zarazua who were willing to risk their life at the altar of freedom.

It was General George Patton who said “Wars may be fought with weapons, but they are won by soldiers.” Mr. Speaker, Daniel Zarazua has always been a “soldier who leads”, and I ask all of my colleagues to join me in honoring him for his unwavering dedication to his family, his community, and his country. I could go on and on about Daniel’s patriotism, but I wanted to recognize him for all that he has done, and wish him well in the days ahead, days that will be filled with all the good things of a well-earned retirement. I know that he will spend even more time with his mother, his wife Sue, and his two children, Dan and Monica. Daniel Zarazua has lived a truly incredible life, and he serves as a role model and an inspiration to everyone who has had the pleasure to know him.

CONGRATULATING JAMES AND COKE HALLOWELL

HON. GEORGE RADANOVICH
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate James and Coke Hallowell for winning the Excellence in Business Hall of Fame Award for 2000.

James started working at his father’s dealership in 1955, and assumed control of the company in 1968. It was a small company in a rural community. By 1999 Hallowell Chevrolet sold 2,000 vehicles and generated $65 million in sales. James retired from the business in 1999, when he sold the dealership to his partner Bill Hendrick.

Over the years James and Coke have received numerous honors. James has received the Leon S. Peters Award, Fresno Junior Chamber of Commerce Award as Fresno’s Outstanding Young Man in 1969, Time Magazine’s Quality Dealer Award in 1971, and Fresno State’s Alumnus of the Year award in 1974. Coke has been the State Center Community College District trustee for two terms. James and Coke have contributed their time, efforts, and money to charitable and civic causes as well. Coke has been deeply committed to the San Joaquin River Parkway since 1985. James has been active with the Fresno Philharmonic Orchestra, is currently president-elect of the Fresno Business Council, and has a seat on the Community Medical Center’s Board of Directors.

Mr. Speaker, it is my pleasure to congratulate James and Coke Hallowell for winning the Excellence in Business Hall of Fame Award for 2000. I urge my colleagues to join me in wishing them many more years of continued success.

MABANK CENTENNIAL CELEBRATION

HON. RALPH M. HALL
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, it is my privilege to rise today in recognition of the Centennial Celebration of Mabank, Texas in the fourth Congressional District. Mabank was established in 1889 when two ranchers, Mason and Eubank, convinced railroad officials to build their line through their ranches. Thus, the community Mabank was formed and
named for these two ranchers—and one-hundred years later continues to be a thriving community beloved by its dedicated citizens and filled with community spirit.

To celebrate this important milestone, Centennial Committee Chairman Robert Eubank, and member, Louis Confer, Larry Teague, Jim Clark, John Hyde, Tom Whitby, Hughia Beets and Andrea Pickens, along with Centennial Coordinators Vicky Watters and Scott Confer, are planning a festive week of activities from October 3 to 7, 2000.

The centennial will begin with a tribute to Veterans that will include a special salute flyover by F-16's from the 457th Fighter Squadron. The Mabank Band will present a patriotic concert and other Mabank Independent School District students will perform dances representative of various periods during the last century. There also will be a ski depicting the history of Mabank. Area churches will come together one evening for singing, and several groups, including the contemporary Christian band “Forty Days” will close the evening’s events.

A carnival will run through the remainder of the week, and there will be an authentic representation of the Wild, Wild West, among other special events. Friday night the Mabank Panthers football team will take on their traditional rival, the Kemp Yellow Jackets. On Saturday, a parade commemorating the history of Mabank will begin at Mabank High School. The three acres adjacent to the new Pavilion and Rodeo Arena will be bustling with the carnival, a chili cook-off, classic and antique car show and an arts and crafts festival. Other activities include a quilting show and a domino tournament. Centennial week events will culminate with a concert starring Mark Chesnutt and Woody Lee as featured entertainers.

Mr. Speaker, centennial celebrations are important footnotes to our nation’s history. We have much to be thankful for in our great nation, and I join the citizens of Mabank in celebrating the rich history of their hometown during their Centennial Celebration this year. I would have a difficult time in discussing Mabank and not remembering a great part of the bedrock of this city, county, state and nation—the late Andrew Gibbs. Space and time prevent me from listing his many contributions, and acts of kindness and friendship, but suffice it to say that he is missed by all who knew him. So as we adjourn today, let us do so by paying tribute to Veterans, to the late Andrew Gibbs.

J U S T I C E F O R V I C T I M S O F T E R R O R I S M
S P E E C H O F
H O N . B I L L M C C O L L U M N O F F L O R I D A
I N T H E H O U S E O F R E P R E S E N T A T I V E S
T u e s d a y , J u l y 2 5 , 2 0 0 0

Mr. MCCOLLUM. Mr. Speaker, I rise in support of H.R. 3485, the Justice of Victims of Terrorism Act, which I introduced and which has strong bipartisan support in Congress. This bill amends law first passed in 1996 to allow justice for victims of state-sponsored terrorism and to hold terrorist states accountable for their conduct. Under current law, these victims are entitled to compensation out of frozen assets in the United States of the guilty terrorist state once the victim obtains a federal court judgment. Sadly, however, the Administration is denying these victims, such as Stephen Flatow, the Brothers to the Rescue families, Terry Anderson and the other victims of terrorism in Lebanon, the justice they deserve.

In response to the President’s urging, Congress passed in April 1996 a provision in the Anti-Terrorism and Effective Death Penalty Act (28 U.S.C. 1605(a)(7) and 1610(a)(7)) which permits victims to proceed against assets that are majorly owned by terrorist states. Second, the bill narrows and clarifies what was intended to be a narrow national security waiver to prevent the attachment of certain assets, if he deemed it to be in the interest of national security. Instead, the President exercised that waiver to essentially nullify the law and deny compensation out of frozen assets in every case but one.

H.R. 3485 remedies the Administration’s failure to enforce the law in two ways. First, the bill amends the definition of “agency or instrumentality of a foreign state” to allow victims to proceed against assets that are majorly owned by terrorist states. This gives victims a practical remedy in collection upon terrorist assets. Second, the bill narrows and clarifies the President’s national security waiver to explicitly allow the President to protect diplomatic property, but not to freeze terrorist assets.

I am concerned that the President has exercised what was intended to be a narrow national security waiver too broadly and contrary to the clear intention of Congress both in the 1996 Anti-Terrorism Act and particularly, in the FY99 Treasury Department Appropriations bill. In Section 117 of the FY 99 Appropriations bill, Congress intended a narrow waiver as interpreted in the case of Alejandre v. Republic of Cuba. Let me make it absolutely clear in top of any reading of past statements or reading of the Committee Report in relation to H.R. 3485 that the waiver is a narrow one, and this bill replaces that waiver with language that limits the President’s power to protect only diplomatic property as defined under the Vienna Convention.

I am also concerned about the difficulty that victims of terrorism have had in executing against the blocked assets of terrorism sponsoring states because of the lack of information available from the foreign state. H.R. 3485 is intended to make it easier for victims to execute against these assets by clarifying that the victims are not required to meet additional hurdles of proof, including the alter-ego test or a showing of a daily control as has been applied based on the Supreme Court’s 1983 decision in Bancec. Again, let me make it clear that H.R. 3485 eliminates any of these additional hurdles not intended to be imposed under Section 117, and instead allows for a showing of majority ownership by terrorist states.

The President and Administration officials encouraged victims to take terror states to court under the 1996 Anti-Terrorism Act. Yet now, in contradiction to the President’s words, the Administration refuses to allow compensations for the frozen assets of terrorist states against whom judgment have been rendered. As a consequence, those who have committed acts of terror resulting in the death of American citizens are effectively going unpunished. In addition to the Brother families who suffer from Cuba’s 1996 shutdown of civilian aircraft, this legislation assists two well-known victims of Iranian-sponsored terrorism. In a tragic case, the family of Alisa Flatow won a judgment against the government of Iran for its involvement in a bus bombing in Israel in April 1995 that took her life. Months after Stephen Flatow received his judgment in federal court, the President exercised the national security waiver to prevent the Flatow family from attaching Iranian assets in the United States. More recently is the horrific story of Terry Anderson, who as we all recall, was barbarically held in Beirut by terrorists sponsored by Iran for over seven years. Several months ago, Terry Anderson won a judgment against Iran and he now joins other former Iranian hostages seeking compensatory justice. Recently, the Eisenfeld and Duke families own a judgment for the murder in a bus bombing in Israel of their son and daughter, who were engaged to be married at the time. Also, Robin Higgins whose husband, U.S. Marine colonel, was brutally murdered by terrorists sponsored by Iran in Lebanon is currently in the process of seeking her judgment.

The Administration has used a variety of evading arguments to deny these victims the justice they deserve. These arguments were presented before a Committee hearing in the other body, discussed in a hearing I chaired in the Subcommittee on Immigration and Claims, and enumerated in responses to questions I submitted to Treasury Secretary Stuart Eizenstat. I have considered the Administration’s arguments and have determined, along with other colleagues of mine, they do not hold up.

I urge my colleagues on both sides of the aisle will support this important and necessary legislation to finally bring justice to the victims of terrorism and to deter terrorist acts against U.S. citizens by making those state sponsors of terrorism pay.

I N T H E H O U S E O F R E P R E S E N T A T I V E S
T h u r s d a y , J u l y 2 7 , 2 0 0 0

Mr. CONyers. Mr. Speaker, I am proud and honored today to be joined by Ms. BALDWIN, Ms. MALONEY and 40 other co-sponsors to introduce the “Violence Against Women Civil Rights Restoration Act of 2000.”

The Violence Against Women Act of 1994, or “VAWA,” was historic legislation that contained a broad array of laws and programs to
address domestic violence and sexual assault in our country.

In addition to funding numerous programs such as law enforcement and prosecution grants to combat violence against women, a National Domestic Violence Hotline, and battered women’s shelters and services, VAWA created both civil and criminal causes of action to target domestic violence and sexual assualt.

A few months ago, the Supreme Court struck down a provision of VAWA, which allowed victims of gender-motivated violence to sue their attackers in federal court. Importantly, that case, United States v. Morrison, did not affect the validity of the rest of VAWA, which is clearly constitutional.

But, Morrison is just the latest in a series of cases in which the Supreme Court has, in my view, improperly narrowed Congress' authority to legislate under the Commerce Clause.

The Court's 5-4 majority disregarded the mountain of evidence that Congress had amassed through four years of hearings, documenting the effects of violence against women on interstate commerce. The Court's majority substituted its own judgment for that of Congress—and this from supposedly "conservative" Justices who purport to defer to Congressional findings.

The Morrison decision vividly demonstrates the important role the next President will have in shaping the composition of the Supreme Court, and ensuring that the Court respect Congress' authority to protect the civil rights of our citizens.

In response to the Morrison decision, I am introducing the "Violence Against Women Civil Rights Restoration Act of 2000." This legislation will restore the ability of victims of gender-motivated violence to seek justice in federal court, where there is a connection to interstate commerce.

For example, a rape victim could bring a civil suit against her attacker in federal court where the attacker crosses a state line; if he uses a gun, weapon, or drug that has traveled in interstate commerce—such as the roads, the telephone, or the Internet; or if he uses a facility or instrumentality of interstate commerce such as the roads, the telephone, or Comcat—such as the roads, the telephone, or Comcat.

In 1981, then Captain Blansett became a full-time member of the Guard as the Wing Logistics Plans Officer. In 1985, he was transferred to the Resources Squadron to serve as budget officer and cost analysis officer. He continued to be a leader in logistical deployments as the air cargo officer—a heavy additional duty that he maintains to date.

In 1989, then Major Blansett was assigned to his current position as comptroller. During Operation Desert Shield and Desert Storm in 1990-91, when the 174th Fighter Wing was deployed to the Persian Gulf, Major Blansett served as the acting Deputy Commander for Resources.

On September 19, 1993 Major Blansett was promoted to lieutenant colonel. Throughout his tenure in this position, Lieutenant Colonel Blansett has managed a variety of programs at base level and has been instrumental in managing the evolution of financial management processes from paper to electronic systems. In his 11 years in this position, Lieutenant Colonel Blansett has maximized unit resources and played a crucial role in the improvement of Hancock Field's infrastructure.

He has served as chairman of the Comptroller Advisory Board for the entire Air National Guard and, most recently, has advised and assisted the 174th in its Aerospace Expeditionary Force Deployment Operation. He also has played a key role in shaping the first home-station Operational Readiness Inspection conducted by Air Combat Command.

During his time in service Lieutenant Colonel Blansett has received numerous medals and commendations. More importantly, he has earned the respect and admiration of the men and women who serve with him.

In addition to his work duties, Lieutenant Colonel Blansett has been actively involved in the Boy Scout organization, serving as both a scoutmaster and Explorer advisor. Lieutenant Colonel Blansett and his wife, Julie, have a son, Christopher, daughter-in-law, Jen, and daughter Kimberly, all of whom reside in the Syracuse area.

I take this opportunity to applaud and commend Lieutenant Colonel Blansett for his 30-plus years of service to the 174th Fighter Wing and wish him well as he conquers new challenges in retirement. We are all better off for his years of dedication and sacrifice.

25TH ANNIVERSARY OF THE HELSINKI FINAL ACT

HON. CHRISTOPHER H. SMITH
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. SMITH of New Jersey. Mr. Speaker, next Tuesday marks the 25th anniversary of the signing of the Helsinki Final Act, which organizes what has become known as the Helsinki or OSCE process, a critical venue in which the United States has sought to advance human rights, promote the rule of law. With its language on human rights, the Helsinki Final Act granted human rights of a fundamental principle in regulating international relations. The Final Act's emphasis on respect for human rights and fundamental freedoms is rooted in the recognition that the declaration of such rights affirms the inherent dignity of men and women and are not privileges bestowed at the whim of the state. The commitments are worth reading again. Among the many pages, allow me to quote from several of the documents:

In the Helsinki Final Act, the participating States commit to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion."

In the 1990 Charter of Paris for a New Europe, the participating states declared, "Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government."

In the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating States "categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the States concerned."

In the 1990 Charter of Paris for a New Europe, the participating States committed themselves "to build, consolidate and strengthen democracy as the only system of government of our nations."

The 1999 Istanbul Charter for European Security and Istanbul Summit Declaration notes the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and
Equally important, the standards of Helsinki, which serves as a valuable lever in pressing human rights issues also provided encouragement and sustenance to courageous individuals who dared to challenge repressive communist regimes. Many of these brave men and women—members of the Helsinki Monitoring and affiliated Groups in Russia, Ukraine, Lithuania, Georgia, Armenia, and similar groups in Poland and Czechoslovakia and elsewhere, Soviet Jewish emigration activists, members of repressed Christian denominations and others—paid a high price in the loss of personal freedom and, in some instances, their lives, for their active support of principles enshrined in the Helsinki Final Act.

Pressure by governments through the Helsinki process at various Helsinki fora, thoroughly reviewing compliance with Helsinki commitments and raising issues with Helsinki signatories, which violated their freely undertaken human rights commitments, helped make it possible for the people of Central and Eastern Europe and the former Soviet Union to regain their freedom and independence.

With the dissolution of the Soviet Union and Yugoslavia, the OSCE region has changed dramatically. In many of the States, we have witnesses widespread and significant transformations and a consolidation of the core OSCE values of democracy, human rights and the rule of law. Unfortunately, in others, there has been little if any progress, and in some, armed conflicts have resulted in hundreds of thousands having been killed and in the grotesque violation of human rights.

Mr. Speaker, this milestone anniversary presents the President an appropriate opportunity to issue a proclamation in recognition of the obligations we and the other OSCE States have committed to uphold. It is important to keep in mind that all of the agreements of the Helsinki Final Act at various Helsinki fora, thorough reviews by the OSCE monitoring mechanisms and a consolidation of the core OSCE values of democracy, human rights and the rule of law. Unfortunately, in others, there has been little if any progress, and in some, armed conflicts have resulted in hundreds of thousands having been killed and in the grotesque violation of human rights.

In the twenty-five years since this historic process was initiated in Helsinki, there have been many successes, but the task is far from complete. Mr. Speaker, we can look at OSCE’s past with pride and its future with hope, keeping in mind President Ford’s concluding comments at the signing of the Helsinki Final Act: “History will judge this conference not by what we say here today, but by what we do tomorrow—not by the promises we make, but by the promises we keep.”

This revolutionary copier incorporates many leading technologies, including the first-ever use of advanced speech recognition in a copier. This speech recognition software can “learn” any user’s voice pattern, including those with speech disabilities, and respond to any language. This enables users to operate every feature of the copier merely by stating simple commands. In addition to voice activation, a touch screen and Braille keyboard allows operators to choose how they prefer to operate the system. The copier also adjusts to different heights allowing people with mobility limitations, including those in wheelchairs, to operate it. The Universal Access Copier assists those with disabilities in enjoying employment opportunities that may not have been previously available to them.

At the ceremony, John Fales, Jr., President of the Blinded American Veterans Foundation (BAVF), presented the award to Michael Critelli, CEO and Chairman of Pitney Bowes. This was the 15th annual George “Buck” Gillispie Congressional awards ceremony held as part of the 2000 Flag Week events. For those who may not know, BAVF was launched in 1985 by three American Veterans who lost their sight during service in Korea and Vietnam—John Fales (USMC), Don Garner (USN) and Dennis Wyant (USN). All of these individuals had achieved successful careers despite their blindness but they realized that many sensory disabled veterans had not had the same opportunities afforded them. Accordingly, they determined to form the foundation and pursue its goals of research, rehabilitation, and re-employment.

I am proud to say the Universal Access Copier was developed at the Pitney Bowes Technology Center, which serves as the company’s “innovation incubator,” and symbolizes Pitney Bowes’ ongoing commitment to excellence in research and technological development. The Technology Center sits on a nine-acre site in my congressional district in Shelton, Connecticut and provides a consolidated engineering campus for several hundred engineers, scientists and programmers. The company was previously honored for development of the copier when it was presented the Computerworld Smithsonian Award for recognition of vision, leadership and innovation through outstanding use of information technology. Pitney Bowes’ Universal Access Copier was singled out for the help it offers 34 million Americans with disabilities of working age in living and working more independently. The copier has also been inducted into the permanent Smithsonian Institution’s Research Collection alongside such famous technological innovations as Samuel Morse's original telegraph.

The copier is only one of many Pitney Bowes’ technological innovations. For the last 14 years, the company has ranked in the top 200 companies receiving U.S. patents. Pitney Bowes has received over 3,000 patents worldwide, with an average of more than 100 issued every year.

Mr. Speaker, Pitney Bowes’ unwavering commitment to bring innovative technologies to all, including those with disabilities, truly stands out. I commend them on their work and look forward to their continued success.
The book was the basis for the $2.8 million documentary film series, which was first shown on national Public Broadcasting stations in 1997. The film won a Columbia University/Peabody Award.

"Cadillac Desert" was ranked by the Modern Library as 61st among the 100 most notable nonfiction English language works published in the 20th century.

Mr. Reisner was also the author of "Game Wars," a 1991 book that elucidated the career of Dave Hall, a now retired special agent for the U.S. Fish and Wildlife Service who specialized in busting international poaching rings.

With author Sarah Bates, he co-wrote "Overtapped Oasis" in 1989, an examination of Western water policy. During the course of his career, his elegantly written essays and articles appeared in dozens of magazines and newspapers.

At the time of his death, Mr. Reisner was working on a book about the role natural disasters have played in shaping California history and politics.

In recent years, Mr. Reisner devoted much of his time to promoting solutions to California's water problems. He was a consultant to the Pacific Coast Federation of Fishermen's Associations on removing antiquated dams that were interfering with anadromous fish runs. He also co-founded the Ricelands Habitat partnership, a coalition of farmers and conservationists that worked to promote environmentally responsible agriculture and protect waterfowl habitat on cropland and minimize the negative impact on fisheries caused by water diversions.

Mr. Reisner also worked on an alternative to dams. He managed the Vidler Water Co., which promoted converting compressed rice straw into fiberboard and other products.
“American Youth Day.” This legislation, which I introduced with strong bipartisan support, recognizes the importance of America’s youth and supports the ideas and goals of an American Youth Day. The bill encourages such organizations as General Colin Powell’s group, America’s Promise.

American Youth Day is about recognizing our youth and providing them with the role models and skills they need to be successful. By investing in our nation’s most valuable resource—our children—we help create a better future for all of us. H. Con. Res. 375 recognizes and supports a nationwide Youth Day to be observed annually on a Saturday near the beginning of the school year, with the date to be specifically determined by the local community.

The concept of this legislation was inspired by one of my constituents, retired Navy Captain George Marshall Bates, who has advocated the establishment of an American Youth Day since the 1960’s. While Captain Bates’ proposal is broader and more encompassing in specificity than this Resolution, the ideals and principle objectives are the same and I am very fortunate to have had his assistance in promoting this legislation. Captain Bates is a distinguished retired Navy JAG officer, and the youth of this nation are the beneficiaries of his persistence and effective advocacy of this cause.

The resolution acknowledges that today’s oppressive influences on youth include violence, drugs, abuse and even stress. Regardless of economic status, ethnic or cultural background, or location, our youth feel the pressures of contemporary society.

The resolution also acknowledges the wonderful efforts of America’s Promise—The Alliance for Youth, led by General Colin L. Powell, United States Army (retired). America’s Promise is one of the Nation’s most comprehensive nonprofit organizations dedicated to building and strengthening the character and competence of youth by mobilizing communities around the nation to fulfill the organization’s “Five Promises” for America’s young people. American Youth Day seeks to promote local and national activities that fulfill the five promises of America’s Promise, which are as follows:

1. Ongoing relationships with caring adults;
2. Safe places with structured activities during non-school hours;
3. A healthy start and future;
4. Marketable skills through effective education; and
5. Opportunities to give back through community service.

In order to secure a future for our youth, Americans must spend time, share traditions, and communicate values to children. Often it is even more important to make a special effort to do this during teen years. Many youth live in single-parent homes and sometimes get the nurturing and guidance of a complete family; for them the time mentors take to spend with them in immensely important. This bill encourages local schools and communities across the nation to highlight our children and share their successes and give them the attention they deserve and need. I ask all of you to participate in an American Youth Day. I hope my colleagues will join in me in supporting this important and worthwhile endeavor.

IN HONOR OF DOUGLAS FLATT
HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, it is my privilege to rise today to pay tribute to an exceptional citizen of Tyler, Texas. The Texas Section of the American Society of Engineers recently honored Douglas E. Flatt, P.E. with its Service to People Award, a distinguished award that recognizes those who have made significant contributions to their community.

Mr. Flatt has served as both president and director of the East Texas Chapter of the Texas Society of Professional Engineers and Northeast Branch of the Texas Section of the American Society of Civil Engineers. He is a life member of the National Society of Professional Engineers as well as the American Society of Civil Engineers. Additionally, he has served on the Board of Directors for the Texas Section of the ASCE. In 1985, he received the ASCE’s East Texas Engineer of the Year Award and in 1988 he received ASCE’s Professional Services Award.

He has also served as Chairman of the Southern Division of the Association of Independent Scientific, Engineering and Testing Firm as well as President of the Texas Council of Engineering Laboratories in 1982 and 1983. Currently he serves on both the Legislative Committee and the Membership Committee of the Consulting Engineers Council of Texas and is a member of America’s Society for Testing and Materials Committee E-50 for Environmental Site Assessments.

Mr. Flatt formed ETTL Engineers and Consultants in 1965 and currently serves as Chairman of the Board. Prior to forming his successful corporation, he was employed by the Texas Department of Transportation, first as senior laboratory engineer and later as senior resident engineer.

Mr. Flatt’s recent award, however, is a testament to the time and effort that he has devoted to his community. He has served on the Board of the Tyler YMCA, and the advisory board of the East Texas Crisis Center, and on the board of the Texas Society to Prevent Blindness. He is also a member of the Rotary Club where he is a Paul Harris fellow, and actively serves the First Presbyterian Church of Tyler as deacon, elder and trustee.

Mr. Flatt graduated from Terrell High School in 1949 and earned B.S. Degrees in Agricultural and Civil Engineering from Texas A&M University in 1953 and 1955. He received a Master of Science Degree in 1957 from Texas A&M University following his discharge from active duty as First Lieutenant in the U.S. Army Field Artillery. He maintains close ties with his alma mater, serving as vice-president and board member of the Texas A&M Association of Former Students. He is an endowed Century Club member and member of the 12th Man Foundation, as well as the Captain of A&M. He is also a contributor and participant in A&M’s Spencer J. Buchanan Chair in Civil Engineering.

Mr. Speaker, throughout his life, Douglas Flatt has upheld high standards in all that he has done. He has achieved success in his profession—and he has also dedicated much of his life in services to others. I join my wife, Maxine; his son, Darrell, and daughter-in-law, Donna; and his grandchildren, John and Madeleine, all of whom are residents of Tyler, in congratulating him on his Service to People Award.

2000 EXCELLENCE IN BUSINESS AWARD
HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate the recipients of the fifth annual Excellence in Business Award for their high ethical standards, corporate success and growth, employee and customer service, and concern for the environment.

Award winners include businesses across the spectrum of the valley economy: agriculture; charities; finance; banking and insurance; health care; non-profit organizations; real estate and construction; non-profit organizations; small businesses; retail and wholesale.

The 2000 Excellence in Business Award winners are:
- Agriculture—Zacky Farms Charitable Foundation, Smith County;
- Manufacturing—Netfilm Irrigation, Inc.
- Nonprofit—the Bulldog Foundation, Professional Service—Deloitte & Touche
- Real Estate/Construction—Webb & Son
- Retail/Wholesale—Richard Caglia Electric Motor Shop
- Small Business—BennettFrost Personnel Services, Inc.
- Hall of Fame—James and Coke Hallowell

Mr. Speaker, I want to congratulate each of the 2000 Excellence in Business Award winners for their leadership and contributions to the community. I urge my colleagues to join me in wishing all of the recipients many more years of continued success.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

SPEECH OF
HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. RANGEL. Mr. Speaker, I am sorry to say that one very important American community will receive little or no help from this legislation; the American citizens of Puerto Rico. Puerto Rico cannot benefit from this legislation because of its unique tax relationship with the mainland. Along with Mr. Crane, I am a sponsor of H.R. 2138 to extend job creation incentives for new activities in Puerto Rico. Despite significant efforts at the local level, unemployment in Puerto Rico remains stubbornly high.
and incomes are not catching up. H.R. 2128 would encourage U.S. companies to preserve or expand current operations in Puerto Rico, rather than taking these U.S. jobs to foreign countries with much lower wage bases and no U.S. labor and environmental protections.

We owe our fellow citizens in Puerto Rico some continuing help toward economic growth and opportunity. I hope we can work together this year to ensure that these opportunities are inclusive, not exclusive, by considering section 30A incentives for the U.S. companies operating in Puerto Rico. We should not leave these 4 million Americans behind.

IN RECOGNITION OF NORMAN PAPPAS, FOUNDER AND PRESIDENT OF THE ENTERPRISE GROUP

HON. JOE KNOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. KNOLLENBERG. Mr. Speaker, one of our most revered institutions, the family-owned business, is under assault from the federal estate tax (death tax).

According to the Center for the Study of Taxation, 70 percent of family-owned businesses fail to make it to the second generation and 87 percent don’t make it to the third. The death tax is one of the major contributors to this disturbing statistic. To pay this unfair tax, which can reach as high as 55 percent of the value of an estate, many family-owned businesses must be liquidated or sold off entirely after the owner dies.

For several years, a bipartisan coalition in Congress has worked to provide relief from the death tax. In fact, on June 9, 2000, the House of Representatives overwhelmingly passed H.R. 8, The Death Tax Elimination Act. This much-needed bill would strengthen family-owned businesses and encourage savings and investment by repealing the death tax over a ten-year period.

Unfortunately, it appears as though business owners will have to continue waiting for significant relief from the death tax, as President Clinton has indicated that he will veto H.R. 8 if it reaches his desk.

That being said, there are still many steps that business owners can take to minimize the negative impact of the death tax. Norman Pappas, founder and president of The Enterprise Group, a company located in Southfield, MI, has recently written an important book that I enthusiastically recommend to every business owner who want to ensure that his company remains strong and is kept in the family after he dies.

Mr. Pappas’ book, “Passing the Bucks—Protecting Your Wealth from One Generation to the Next,” reveals the secrets of effective business succession and estate tax planning that can help reduce or even eliminate the risk of losing most of the assets a business owner worked so hard to accumulate.

For the last 30 years, The Enterprise Group and other financial and estate planners have helped business owners protect what is rightfully theirs. Mr. Pappas has assisted over 1,500 businessmen and women to traverse the complicated practice of business succession and estate planning as they wrestle with the federal tax burden. Mr. Pappas’ expertise experience in solving the complicated financial problems of family-owned businesses is evident throughout “Passing the Bucks.” One of the primary lessons we have learned is that we must eliminate the death tax and I am proud that we have done just that in this House.

Mr. Speaker, I rise today to acknowledge the accomplishments of Mr. Pappas and his colleagues in the practice of estate planning and to commend his efforts to protect family-owned businesses from the onerous provisions of the death tax.

A TRIBUTE TO VIRGINIA L. DORIS

HON. PATRICK J. KENNEDY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I would like to bring attention to the work of Virginia L. Doris of Warwick RI. As a Rhode Island historian for over 40 years, Ms. Doris has put great effort into her quest to bring proper honor and recognition to America’s “poet and patriot,” Francis Scott Key, author of our National Anthem. As we near the 221 year anniversary of the birth of this American legend, I would like to submit this poem by Ms. Doris into the RECORD, so that we might renew the call for an official day honoring Francis Scott Key’s contribution to our national heritage.

Francis Scott Key—America’s Ultimate Poet and Patriot

Anthem, Mighty Anthem! our voices resound.
Poem by God’s blessing, unsepted, uncrowned.
Anthem, Sacred Anthem! our pulses repeat,
Warm with life-blood, as long as they beat!
Listen! The reverence of his soul imbued
doth thrill us still,
In the old familiar places beneath their emerald hill.
Here at this altar our vows we renew,
Still in thy cause be loyal and true—
True to thy flag on the field, and the wave,
Living to honor it, dying to save!
Wake in our breast the living fires,
The Holy faith warmed our sires,
Thy spirit shed through every heart,
To every arm thy strength impart!
Our lips should fill the air with prayers, and pay the debt we owe.
So high above this hymn we raise, the floods of garlands flow.
Harken! The reverence of his soul imbued
doth thrill us still,
In the old familiar places beneath their emerald hill.
Anthem, Mighty Anthem! our voices resound.
Poem by God’s blessing unsepted uncrowned!
Anthem, Sacred Anthem! our pulses repeat,
Warm with the life-blood, as long as they beat!

Composed by: Virginia Louise Doris

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, it is an honor and a privilege today to remember and pay tribute to a great American and a good friend, Allen Gordon Smith Sr., of Diana, TX, who passed away on April 21 of this year. Mr. Smith was an American war hero, a prisoner of war, and an outstanding citizen of East Texas. His influence on his community and his friends and family will be felt for many years to come, and his dignity shall not be diminished by time.

In October 1939, Mr. Smith voluntarily joined the U.S. Army Air Corps at Barksdale Air Force Base in Louisiana—a decision that would change his life. He became a member of the 77th Bomb Group of the 16th Squadron. The group was sent to the Philippines, landing in November 1941. Mr. Smith was captured by the Japanese on April 9, 1942, at the fall of Bataan. He survived the infamous Bataan Death March and spent 42 months in Japanese prisoner of war camps. No words could adequately tell his story about this experience—so suffice it to say that he emerged from the war as a true American hero and a strong advocate for veterans.

Mr. Smith was a leader and a life-time member of the American Ex-Prisoners of War as well as the Disabled American Veterans. He served two terms as national director of the American Ex-Prisoners of War and one term as commander of the Department of Texas Ex-Prisoners of War. He also was a Veterans Administration Service officer, in which capacity he worked on behalf of fellow veterans. His distinguished service in defense of our Nation and in support of veterans will be long remembered.

During his service in the war, Mr. Smith returned to Longview and married Helen Florence Jones on November 22, 1946. He attended the University of Houston. In 1956, Mr. and Mrs. Smith moved to Diana, where they devoted much of their time working with the youth in their community. They served on a governor-appointed committee to work with youth in Upshur, Camp, and Wood Counties, and Mr. Smith served on the board of directors for Baseball for Boys in East Texas. Mr. Smith also worked with youth through the Cub Scouts and the 4-H Club.

After 24 years of service, Mr. Smith retired from Lone Star Steel. He was a member of the Judson Road Church of Christ in Longview.

Mr. Smith is survived by his wife, Helen; his son and daughter-in-law, Allen Jr. and Elayne Smith; his daughter and son-in-law, Danelia Smith Woods and John Woods; four granddaughters and grandsons; one grandson and granddaughter-in-law; two great-granddaughters; four step-grandchildren; a sister and brother-in-law, Julia and Robert Crowned; a brother and sister-in-law, Alvin and Patsy Smith; and a number of other relatives and friends.

Mr. Speaker, Allen Gordon Smith was a man of dignity and honor who lived a distinguished life in service to his country, his community, and to his family and fellow citizens. He was a wonderful role model to many children in East Texas, and his influence will be
felt for generations to come. Mr. Speaker, as we adjourn today, I ask my colleagues to join me in remembering, honoring, and paying our last respects to this outstanding American—Allen Gordon Smith, Sr.

RECOGNITION OF THE FIRST AFRICAN BAPTIST CHURCH OF COLUMBUS' 160TH ANNIVERSARY

HON. MAC COLLINS
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. COLLINS. Mr. Speaker, 170 years ago, while the manacles of slavery were still fastened on African Americans, twelve Christians—11 whites and a slave named Joseph—founded Columbus' first church, the Ephesus Baptist Church, which was renamed the First Baptist Church. This was in 1830, one year after Columbus, Georgia was granted its charter. Blacks and whites, slaves and free, worshiped God under one roof.

In 1840, after construction of a new building, the First Baptist Church gave the old sanctuary to the mixed black and white congregation, who reorganized as the African Baptist Church in 1860. Sixty years later, after war, reconstruction, oppression, economic depression, and hardships, the First African Baptist Church is still spreading the gospel in Columbus.

This church has a long history of service to its community. Up to the advent of the Civil War, it had an ethnically diverse congregation.

After the war, the church gave birth to three different churches: the Metropolitan Baptist Church in 1890, the Friendship Baptist Church in 1906, and the Mt. Tabor Baptist Church in 1908. The church sanctuary has changed four times.

Today's main sanctuary was erected in 1915, when the church adopted its present name, the First African Baptist Church.

The congregation of the First African Baptist Church has weathered many storms, but the worst may have been the Great Depression. In 1936, creditors foreclosed on the church. But all was not lost, because four trustees stood in the gap and pledged their personal property to pay the debts. These men were W.A. Talley, J.J. Senior, J.H. Williams, and G.F. Rivers. The congregation stood by these men of faith and worked to raise the funds to refit the church.

Mr. Speaker, the First African Baptist Church congregation has been a force for good in Columbus.

Under the leadership of the Rev. Dr. Robert M. Dickerson Jr., it continues to play a key role in the city. Rev. Dickerson began the "Gathering of the Children," and restructured the Youth Program. He reorganized the Christian Education ministry. He started the Tuesday noon Bible Study time, the Early Sunday morning worship services, and the Riverfront Easter Sunrise Service. He ordained 11 new deacons and established the Capital Improvement Fund for mid-range and long-range improvements. He also added three ministers to the Ministerial Staff. Additionally, Dr. Dickerson instituted the "Pastor's Unsung Hero" Awards presented each November.

He is continuing his work to add new programs to bring the word and comfort of God to the people of Columbus.

Mr. Speaker, I want to commend the First African Baptist Church of Columbus, its congregation and its leaders. They have been doing a great work in the city for 160 years, and I trust that, Lord willing, they will be spreading the Gospel a hundred years hence.

HONORING KEVIN BRACKEN
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. LIPINSKI. Mr. Speaker, today I honor Kevin Bracken, a native of Chicago, IL. Kevin, through many amazing feats of athletic prowess, has earned himself a place on the U.S. Olympic Greco-Roman wrestling team. He is the only member of the Greco-Roman team from Illinois, which consists entirely of first-year Olympians. This is truly a remarkable accomplishment, and I know he will represent his country with great pride, strength, and skill.

Kevin grew up on the south side of Chicago, placing third in the 1990 State Championships for St. Laurence High School. He then attended Illinois State University, where he was a three-time qualifier for the NCAA and received the 1994 Male Athlete of the Year award. Since those early achievements in his life, he has only gone forward, constantly surpassing expectations of all those around him, no matter how high set.

His friends, family, and former teammates must, and should be proud to witness what he has accomplished, and what he will certainly continue to accomplish in the future. Kevin is a credit to all those who have held faith in him, and through perseverance and extraordinary effort, he has earned his place among the elite of his profession.

Mr. Speaker, I offer my congratulations to Kevin Bracken, and wish him the best of luck in his continuing career. I am sure he will continue to make them proud.

HONORING WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. LIPINSKI. Mr. Speaker, today I honor William O. Lipinski, a native of Chicago, IL. His career has been recognized in the July 2000 issue of Money magazine as one of the best places to retire. Money quotes Bradenton as, "a perfect Florida beach town for sun and sailing." I agree and believe it is much more than that.

With 238 sunny days a year it is no surprise to me that this area made headlines. The coastal community with a population under 50,000 is located just south of Tampa Bay. Bradenton's 27 miles of beautiful, white and sandy beaches provide the perfect environment for sailing, skiing, fishing and various outdoor activities.

The criteria used by Money to evaluate nearly 500 communities included population, opportunities for educational advancement, outdoor activities, cultural amenities, quality of medical care, and accessible transportation. Factors that also influenced the ratings were cost of living, taxes, and home prices. Today's seniors live an active lifestyle, so each community was also evaluated on the various activities in the area.

Bradenton offers an array of cultural attractions including the Golden Apple Dinner Theatre and the Florida West Coast Symphony. The South Florida Museum and Bishop Planetarium is a unique complex that features cultural and historical exhibits and laser light shows. The ballet, the opera, art galleries, historical parks, and museums are all within the city limits. Retirees can enjoy, at the various outdoor festivals throughout the year.

Bradenton is home to the Pittsburgh Pirates spring training complex and is within an hour's
drive to three professional sports teams. Retirees can enjoy the areas 24 nationally recognized golf courses, including Legacy Golf Course designed by Arnold Palmer.

The warm weather and casual atmosphere truly make Bradenton a wonderful retirement community. I am honored that Bradenton receives a national recognition.

It is not just the weather, infrastructure, healthcare system, and recreation opportunities that make Bradenton a nationally recognized place to retire; it is the great people who live there. The people of Bradenton are truly second to none and make everyone feel welcome. I know, I moved there over 40 years ago and am proud to call it my home. Money magazine has further shown the country just how great my hometown is.

IN RECOGNITION OF DONALD VICKERS

HON. RALPH M. HALL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. HALL of Texas. Mr. Speaker, I rise today to honor and pay tribute to a fine American and Texas Texan, Mr. Donald Vickers of Blossom, TX.

In 1942, at the age of 16, Donald Vickers felt the need to fight for his country during World War II. He left his home in Blossom and joined the Army, and his service to his country lasted through the years and 7 months, during which time he fought in World War II, Korea, the Cuban conflict, and Vietnam.

This fine gentleman, who is revered by friends and family and lovingly called “Papa Donald”, received his early training at Camp Shelby, MS, and soon after was sent to fight in North Africa. Later he trained in England and was a part of the fateful landing on D-Day, during the Normandy Invasion. He served in the European theater operation from 1943 to 1945, being assigned to a Tank Destroyer Battalion. In 1946 he re-enlisted and later served in Korea as an advisor to the 59th Republic of Korea Army Tank Company. During the Cuban conflict he was deployed off Cuba in the LST’s, which were ready to land men and equipment. His first tour in Vietnam was with the 25th Infantry Division, 69th Armor Battalion. After serving stateside in 1967, he was assigned to serve with the Military Advisors Corp in Vietnam from December 1968 to December 1969. His other tours of duty included Germany and Hawaii. Stateside, he served in Mississippi, Kansas, Georgia, California, New Jersey, New Mexico, and later, back home in Texas, before he retired from the service in August 1974.

Donald Vickers, now Sergeant Vickers, has been awarded numerous decorations during his many years of service. These include the Combat Infantry Badge, Purple Heart with 2 Clusters, Bronze Stars with V device and 2 Clusters, ARCOM with 3 Clusters, Good Conduct Medal with Silver Bar and 1 Leaf, Vietnam Service Medal with 1 Silver and 3 Bronze Service Stars, WWII Victory Medal, European and Mid-Eastern Campaign Medal, and Defense Service Medal with Oak Leaf Cluster and Korean Service Medal. In addition, he has received written commendations from his commanding officers which reflect their recognition of his courage, his patriotism, leadership and dedication to his country, his men, and the Army.

Mr. Vickers has been married for many years to Mary Jo Vickers. They have 5 children, 10 grandchildren and 4 great-grandchildren. It was while caring for their grandchildren, Mrs. Cassidy Fueess, of Denton, TX, who in her devotion to her granddaughter and desire to share his history with others, contacted me to tell his story. My thanks to Cassidy, her father, and their family for their devotion to the story of the many and varied experiences that Americans hold dear—love of their country and love for their family. I am proud that they are from my district, and I appreciate the opportunity to recognize Sgt. Donald Vickers and his family today.

IN RECOGNITION OF DONALD WEBER

HON. ANTHONY D. WEINER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. WEINER. Mr. Speaker, today I invite my colleagues to pay tribute to Donald Weber on the occasion of this retirement as Superintendent of Community School District 21. Donald Weber has long been known for his commitment to the children of
School District 21 and to providing them with the finest educational opportunities that public education can provide. Donald Weber is truly representative of the best that our community has to offer.

As Superintendent of Community School District 21 for the last seventeen years, Donald Weber developed numerous special programs including: Mark Twain Intermediate School for the Gifted and Talented, Project ADAPT (a model program that is an alternative to suspension), a strong parent involvement program as evidence by the activities of the District Parents’ Workshop, the Brooklyn Studio Secondary School, a model inclusionary middle/high school and The Bay Academy For the Arts and Sciences, a magnet school for children interested in the sciences.

Under the dedicated leadership of Donald Weber, standardized reading and math scores of District 21’s students continue to rank among the highest in New York City and the number of students achieving at or above grade level continues to increase.

In recognition of his stature as a dynamic educator and for his efforts on behalf of the students of Community School District 21, Donald Weber has received numerous awards including being named as the New York State Superintendent of the Year 1999-2000.

Donald Weber is a lifetime resident of Community School District 21 and is a product of its schools. A graduate of Public School 177, Donald Weber has routinely demonstrated his commitment to community service and to enhancing the quality of life for all New York City residents. He is former member of Community Planning Board 13 and is a founding member of the Shorefront Friends For Hospice, Inc.

Donald Weber has long been known as an innovator and beacon of good will to all those with whom he has come into contact. Through his dedicated efforts, he has helped to improve my constituents’ quality of life. In recognition of his many accomplishments on behalf of my constituents and their children, I offer my congratulations to Donald Weber on the occasion of his retirement as Superintendent of Community School District 21.

SUPPORTING REAUTHORIZATION OF VIOLENCE AGAINST WOMEN ACT PROGRAMS

HON. ANNE M. NORTHUP
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mrs. NORTHUP. Mr. Speaker, I rise to pay tribute to the Violence Against Women Act and to encourage its reauthorization by Congress and the President.

As you know, legislation proposing a federal response to the problem of violence against women was first introduced in 1975, although violence against my gender has been recognized as a serious social problem since the late 1970’s. Previous enactment of Violence Against Women Act (VAWA) measures have resulted in grant programs and new penalties aimed at increasing awareness and reducing the occurrence of crimes. The VAWA has been a critical tool in reducing domestic violence and by providing support for the next five years to the law enforcement, hotlines, shelters and services, and community initiatives that assist our cities and localities in dealing with these types of crimes.

Through this program, we have been able to better educate the American public on and how to respond to crimes against women. This funding has allowed us to bring domestic violence out of the shadows and into the forefront. For example, in my district of Louisville, since VAWA money has become available our area has become a model for other jurisdictions because of its multi-disciplinary approach to domestic violence. Victim advocates now work side by side with the police to provide a better response to victims of domestic violence. More evidence is being collected than ever before, and more victims are taking the brave step of coming forward and many convictions are stopping the cycle of abuse.

Violence against women is not solely a problem for women. Every case that is left unaddressed has the potential to create more violence, to fuel a downward spiral of mental and physical abuse and to destroy more families. I believe the initiatives begun in 1990 go a long way in addressing the need for a tougher stance in this area. We must continue our commitment to increasing personal safety for everyone, and focus our efforts on programs that work to educate the public and prevent family violence. We must work to limit the devastating consequences that occur to our women, our families and society as a whole.

I encourage Congress to again support the VAWA programs which are so vital to combatting the occurrence of domestic abuse, before authorization expires on September 30, 2000.

DR. FRANK LEGGETT—FAMED BASSFIELD DOCTOR RETIRES

HON. RONNIE SHOWS
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. SHOWS. Mr. Speaker, I stand before you, my colleagues and the American people to tell you about an American treasure—Dr. Frank Leggett of Bassfield. Dr. Leggett has been a judge, mayor, coroner, alderman, football hall of fame football player, church deacon, and hospital chief of staff. In his spare time, Dr. Leggett delivered 300 precious lives to the community of Bassfield and our part of Mississippi. He brought lives into this world, then he nurtured them, served them and took care of them. After all that, he got rewarded and he received. Our home, my home, Bassfield, is forever a better place because of the contributions of Dr. Frank Leggett.

Dr. Leggett was born in Brookhaven, MS, back in 1926. His early life was marked by our Nation’s Great Depression and our greatest war—World War II. Dr. Leggett was part of the greatest generation who not only endured, but survived and built and gave. He and his generation gave us the greatest nation on the planet. He is a graduate of Ole Miss and Baylor. He worked in Meridian and then came to Bassfield in 1956. He says he retired on June 30 of this year. But, I have to say, after 40 years on the Bassfield Board of Alderman, and Medical Staff President for 25 years at Jefferson Davis County Hospital (now Prentiss Regional Hospital) I don’t think we will really allow this retirement to happen. He will still be with us. Dr. Leggett will be with us caring and giving and sharing like he always has. Dr. Leggett will be at church and across our community serving us as always.

Dr. Leggett loves to travel. He has seen most of our world. But he always made it back home to Bassfield where he belonged and where we needed him. I am indeed honored to stand before the American people and say thank you to Dr. Frank Leggett.

STRICT CRIMINAL LIABILITY REFORM FOR OIL SPILL INCIDENTS

HON. DAVID VITTER
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. VITTER. Mr. Speaker, I am pleased today with Congressmen COBLE and CLEMENT to introduce legislation to eliminate the application of strict criminal liability for maritime transportation-related oil spills. Contrary to the objectives of the Oil Pollution Act of 1990, commonly referred to as OPA90, strict criminal liability serves to undermine the safe and reliable maritime oil transportation system. The objectives of OPA90, carefully balanced the imposition of stronger criminal and civil penalties with the need to promote enhanced cooperation in spill prevention and response efforts. In so doing, the Congress clearly enumerated the circumstances where stringent criminal penalties could be imposed in maritime oil spill incidents.

But this carefully crafted approach is being undermined in practice. Antiquated, unrelated “strict liability” statutes that do not require any showing of negligence or “intent”—specifically—the Migratory Bird Treaty and the Refuse Act—are increasingly utilized as a basis for criminal investigation and prosecution for oil spill incidents. As stated in a U.S. Coast Guard directive, a company and employees, in the event of an oil spill, “could be convicted and sentenced to a criminal fine even where [they] took all reasonable precautions to avoid the discharge”. Such turn-of-the-century statutes as the Migratory Bird Treaty Act and Refuse Act, in effect, have turned every oil spill into a potential crime scene without reallizing the benefit intended. Congress has undermined the cooperation and responsiveness that Congress sought to foster when it enacted OPA90.
Furthermore, strict criminal liability forces responsible members of the marine transportation industry to face and extreme dilemma in the event of an oil spill—provide less than full cooperation and response as criminal defense attorneys will certainly direct, or cooperative full demonstration of criminal prosecution that would result from any additional actions or statements made during the course of the spill response. The only method available to companies and their employees to avoid the risk of criminal liability completely is to get out of the Marine oil transport business altogether.

Mr. Speaker, in May 1998, the House Coast Guard and Maritime Transportation Subcommittee conducted an oversight hearing on criminal liability for oil pollution. The Coast Guard, the primary federal maritime agency tasked with the implementation and enforcement of OPA90, testified at that hearing that it does not rely on strict criminal liability statutes in assessing culpability for oil spill incidents. With the support of other organizations, including the Chamber of Shipping of America, INTERTANKO, the Transportation Institute, and the Water Quality Insurance Syndicate (WQIS), American Waterways Operators (AWO) and two tank vessel captains testified as to the adverse impact that strict criminal liability has on the oil spill prevention and response objectives of OPA90. Notably, one tank vessel captain observed that “strict criminal liability does not make [him] do [his] job better; it only produces counterproductive stress.” He continued by stating the following: “Because of the current [criminal liability] situation I cannot and will not encourage my children to follow in my footsteps. Nor can I encourage anyone else to enter the marine petroleum transportation business. Yet the industry needs good people. Strict criminal liability is a tremendous deterrent to anyone considering entering the industry at this time.”

Similarly, the other tank vessel captain testified that responsible vessel owners and operators do everything humanly possible to avoid accidents, but that “the sea being a place of infinite peril, if accidents occur, despite human precautions, we must use all of the marines’ skills and the oil tanker to get oil and get it out of the water”. He continued by stating that the “increased emphasis on applying criminal sanctions to oil tankers is the potential one to get the oil out of the water.” He continued by stating that the “increased emphasis on applying criminal sanctions to accidents is the potential one to get the oil out of the water”, and that it would “be a tremendous deterrent to anyone considering entering the industry at this time.”

The Coast Guard recently confirmed that its “criminal liability is a deterrent to the future of our industry. We do not rely on strict criminal liability” as a means of assessing culpability for oil spill incidents. The availability and use of such statutes continues to undermine cooperative and effective oil spill prevention and response efforts.

Mr. Speaker, the legislation we are introducing today will not change the tough criminal sanctions that were imposed in OPA90. Rather, the legislation will reform the pre-eminent role of OPA90 as the statute which provides the exclusive criminal penalties for oil spills. In so doing, it will eliminate the unjustified use of strict liability statutes that undermine the very objectives which OPA90 sought to achieve, namely to enhance the prevention of and response to oil spills.

Mr. Speaker, I rise today in recognition of Taylor Garrett of Van, TX, for his research efforts in Madrid, Spain, and his paper on his work for his Honors thesis during his senior year at Southern University in Texas. He and his professor, Dr. Daniel Castro, spent 6 weeks at the Archivo Historico Nacional de Madrid researching 16th to 19th century documents dealing with the Spanish Inquisition. To be chosen for this research opportunity was a great honor, and Taylor was chosen due to his proficiency in the Spanish language and his strong interest in the history of this period.

In 1992 she was the first female athlete in any Naval Academy sport to qualify for the NCAS, Division I Championships. She was also the recipient of the Vice Admiral William P. Lawford Shield as the outstanding female athlete in her class. Her accomplishments, however, paled in comparison to her intelligence, dedication, and enthusiasm, which made her an “inspiration” to those who knew her. As James E. Brockington, Jr., Commander, USN wrote of Kerry, “Gone too soon is that smile that brightened the darkest of days. Lost are those sparkling eyes that mirrored our quest for perfection. A leader, a dreamer, a source of unparalleled excellence—she is gone too soon.”

In attempting to understand this tragedy, and what could have caused Ensign Smith to commit such a murderous act, her parents learned that Ensign Smith had scored in the 99.99th percentile for aggressive/destructive behavior in Navy psychological tests. To evaluate his psychological fitness for the unique demands of submarine duty, Ensign Smith had, two months before the shooting, been required to submit to the Navy’s “Sub-screen” test. Ensign Smith scored more than four standard deviations above the normal levels for aggressive/destructive behavior and more than two standard deviations above normal levels in six other categories. Because Ensign Smith’s results were well above the two-standard deviations above norms in multiple categories, under non-discretionary Navy regulations his normal test results were referred to a Navy psychologist, who in turn was required to conduct a full evaluation. The Navy civilian psychology responsible for reviewing the unusual scores and evaluating Smith, simply failed to conduct any such review or evaluation. This failure to review was a clear violation of Navy regulations (Compl. Paragraphs 10–15; Pet. App. 15a) resulting from a psychological evaluation could have identified the potential for this destructive act and possibly prevented this tragedy from occurring.

Mr. Speaker, I rise to seek recognition to introduce a bill that will overturn what has come to be known as the “Feres doctrine.” In introducing this legislation I hope to put an end to a grave injustice that has been perpetuated upon our servicemen and women and pay tribute to a truly inspirational young woman, Kerry O’Neill. Kerry O’Neill grew up in Kingston, Pennsylvania in my Congressional District, and I had the pleasure of nominating her for admission to the United States Naval Academy. On December 1, 1993, Kerry O’Neill, a “graduate with the distinction” of the United States Naval Academy in the top ten percent of her class, was shot down at her family home, leaving a hole in the hearts of her family, friends, and community.

In 1992 she was the first female athlete in any Naval Academy sport to qualify for the NCAS, Division I Championships. She was also the recipient of the Vice Admiral William P. Lawford Shield as the outstanding female athlete in her class. Her accomplishments, however, paled in comparison to her intelligence, dedication, and enthusiasm, which made her an “inspiration” to those who knew her. As James E. Brockington, Jr., Commander, USN wrote of Kerry, “Gone too soon is that smile that brightened the darkest of days. Lost are those sparkling eyes that mirrored our quest for perfection. A leader, a dreamer, a source of unparalleled excellence—she is gone too soon.”

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Based on this negligent behavior by the Navy psychologist, the O’Neills filed suit seeking damages for the injury and death of their daughter under the Federal Tort Claims Act. Their case was dismissed pursuant to the Feres doctrine, based on the reasoning that because at the time of her death Kerry O’Neill was in her military quarters and was on active duty status, her injuries and death were “incident to military service.”

In the 1950 case of Feres v. United States, the Supreme Court created a broad exception to the federal government’s general liability under the Federal Tort Claims Act, where the service member’s injury arises out of or is “in the course of activity incident to service.” Since this initial ruling, the Court has departed from the original justifications for its holding and has expanded the ruling based on vague and broad policy justifications, not intended by Congress when it enacted the Federal Tort Claims Act. In passing the Federal Tort Claims Act, Congress intended to prohibit tort claims against the federal government by a military member or his or her family only when the injuries “arise out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.”

Kerry O’Neill’s death was the result of a social relationship and the negligent failure of a Navy civilian psychiatrist to further evaluate Ensign Smith, not due to her involvement in combat, and in actuality, not incident to her service.

Congress wrote the statute to prohibit claims for injuries “arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war,” because we do not want to allow soldiers or their families to be able to sue the government in a combat situation, when countless decisions are made that ultimately result in the death or injury of the service member. In order to protect the integrity of military command decisions, we cannot have any and all instances of death or injury brought and questioned by juries.

Such considerations, however, do not necessitate that military personnel lose their ability to recover for clearly negligent behavior by the federal government; just as every other individual in this country is allowed to do. Unfortunately, the individuals hurt most by the Feres doctrine are those men and women who commit their lives to the service of their country. These individuals should be protected by our laws, not punished. As case after case has demonstrated, the consequences of this doctrine are unjust. Private Charles A. Richards, Jr., who was off-duty, was killed by an Army truck, whose driver had run a red light. He was driving home from work at Fort Knox to care for his pregnant wife. Her husband was unable to recover damages. Another service woman, who had given birth to twins, discovered one of her twins suffered bodily injury and the other died due to the negligent prenatal care at a military hospital. She was unable to recover damages. Such unjust outcomes were clearly not the intention of Congress.

The Feres doctrine has been the subject of harsh criticism. In dissenting from the denial of rehearing en banc in Richards v. United States, four judges of the Third Circuit, including Chief Judge Becker, called the Feres doctrine a “travesty” and urged the Supreme Court to consider the case. Numerous law review articles have also been written on the case, decrying the doctrine. Additionally, Feres’s critics have included at least three current Justices of the Supreme Court, who have argued that Feres was wrong when decided.

My legislation, like the companion bill introduced by the senior Senator from the Commonwealth of Pennsylvania, simply seeks to overturn the juridically created Feres doctrine, while leaving in place the original intention of Congress to prohibit tort claims arising out of combatant activities during times of war. The legislation amends the Federal Tort Claims Act to specifically provide that the Act applies to military personnel who are incident to the same as it applies to anyone else. There is no reason to deny our military men and women the just compensation they deserve when they are injured or killed as a result of the negligent actions of the Federal government or its agents outside the heat of combat.

Mr. Speaker, the legislation will not bring back Kerryn O’Neill, or the other two service members, who were harmed by their government in this one instance. Nor will this legislation bring compensation to their families. But her death has brought to light the injustices in this unjust doctrine, and help to prevent similar tragedies in the future. We need to address this situation as quickly as possible and I urge my colleagues to support this bill.

HONORING CARYN BART OF RIVER EDGE, NEW JERSEY

HON. STEVEN R. ROTHMAN
OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. ROTHMAN. Mr. Speaker, today I pay tribute to Caryn Bart of River Edge, New Jersey, a nurse who works at Holy Name Hospital in Teaneck, who went far beyond the call of duty to help a family with their struggle through a horrible tragedy.

Armando and Erika Herrera, from Garfield, New Jersey, who both work at Holy Name Hospital, recently suffered the tragic loss of their seven-year-old daughter. On June 9, 2000, mother and son traveled to visit relatives in Hawaii. Two days later, while Mrs. Herrera laid down flowers at her mother’s grave, an elevated headstone tipped over, fell, and fractured Daniel’s skull.

As Mr. and Mrs. Herrera were naturally stunned and dazed by these events, not knowing what to do, Caryn Bart took it upon herself to help the Herrera’s in their time of need. Ms. Bart, who has four children and is married to Steve Bart, became a registered nurse in 1997 after graduating from Bergen Community College.

Through Ms. Bart’s facilitation, the Herreras received calls from doctors in London, Helsinki and New York. A special flight was arranged to take them to a children’s hospital in London. All that could have been done was done. Unfortunately, Daniel died of his injuries a few days later.

Although nothing can help Armando and Erika Herrera through this terrible loss, the efforts of Ms. Bart must be acknowledged. She is truly a great American and worthy of much compassion. Mr. Bart did is a wonderful example of the gift of loving kindness. She is an inspiration and an example of what compassion generosity are for all of us.

The Angles walk among us and many of the nurses of America, like Caryn Bart, are these angels.

FINANCIAL INSTITUTIONS SHOULD PROVIDE LENDING CAPITAL FOR ENVIRONMENTALLY RESPONSIBLE DRY AND WET CLEANING SMALL BUSINESSES

HON. DONALD A. MANZULLO
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MANZULLO. Mr. Speaker, today I am introducing a Sense of the Congress Resolution that would urge financial institutions to promote environmentally responsible dry and wet cleaning processes and to work with business enterprises to provide streams of capital to protect the environment.

I am offering this important resolution to help bring to light the situation that our nation’s small dry and wet cleaning businesses face with regard to the cleaning process that most of the small cleaning establishments utilize—namely, perchloroethylene (perc) and petroleum based solvents. Perc and petroleum based solvents are highly polluting; they contaminate the air, land and groundwater. However, there are other options available to small dry and wet cleaning businesses.

On Thursday, July 20, 2000, the Small Business Subcommittee on Tax, Finance and Export, of which I chair, held an extraordinarily important hearing on H.R. 1303, the Environmental Dry Cleaning Tax Credit Act. This bipartisan bill, introduced jointly by Representatives DAVE CAMP and DAVID PRICE, is an incentive-based approach to resolving the complex environmental problems the dry cleaning industry faces as a result of its use of perc, a hazardous waste when it is emitted into the air and groundwater. There are nearly 35,000 dry cleaners across the country. Most employ only a handful of workers. They are truly small businesses.

H.R. 1303 provides a 20 percent tax credit toward the purchase of new equipment that uses non-hazardous waste producing wet and dry cleaning technology. Recent technological developments utilize carbon dioxide—the same chemical compound found in sodas (or pop, depending on what part of the nation you represent). Carbon dioxide is obviously not harmful to the environment, since we consume it and our vegetation thrives on it.

Like all new ideas on the market, this technology is expensive. That is exactly why the bill is necessary. While there are costs associated with H.R. 1303, they are far outweighed, in our view, by the expenses associated with cleaning up the dry cleaning solvents that have been used for decades. For example, in North Carolina, it is estimated that once the assessment and reclamation for sites contaminated from the use of perc, costs using the state’s own “cost-per-site” estimates could approach $72 million to $90 million annually. The State of Florida has estimated that it has 2,700 contaminated dry cleaning sites that are requiring almost $1.5 billion needed for clean-up alone. The incentive for nationwide clean up costs, which could approach nearly $20 billion—far outweighing the costs estimated for H.R. 1303.
After we heard testimony from the witnesses at our hearing, I was approached by a gentleman from the Bank of America, who shared with me the situation facing the dry and wet cleaning industry from the perspective of banks. He stated that the “severe and costly nature of environmental issues has virtually eliminated dry cleaners’ access to conventional bank capital over the past seven to eight years.” He pointed to one overwhelming reason: fear over liability as a result of contamination from perc and petroleum based solvents.

Mr. Speaker, it is quite obvious that the concerns of our nation’s financial industry are serious enough to shy away from lending to a specific industry. But what is striking is the extent among the banks of America to begin to share with Congress about why they will not lend to dry cleaners that use perc or petroleum based solvents.

What is encouraging is that the Bank of America, along with other lending institutions such as the Central Carolina Bank, have determined that dry and wet cleaning processes that utilize carbon dioxide technology and other non-hazardous waste causing substances deserve financial backing. I am sure that other banks across the country have similar lending policies. Although I do not know specifically which one, I invite those banks to contact and confirm this with me. I, in turn, will share this information with my colleagues.

I want to reiterate the important of this resolution. There must be banks that will begin to lend to the dry cleaners who utilize these new environmentally safe technologies.

Bank of America,
Small Business Risk Management,

Hon. Donald A. Manzullo,
Member of Congress, Chairman, House Small Business Subcommittee on Tax, Finance, and Export, Washington, DC.

Dear Chairman Manzullo: Thank you for speaking with me at last Thursday’s post-hearing lunch. As I stated then, the severe and costly nature of environmental issues has virtually eliminated dry cleaners’ access to conventional bank capital over the past 7-8 years. There is one overwhelming reason for this—chemical contamination from perchloroethylene and petroleum solvents.

The historical environment risk to banks of lending to dry cleaners can be broken down into four groups:

(a) Direct Legal Liability—Simply being in the chain of title after a foreclosure can create various degrees of bank responsibility for funding proper cleanups.

(b) Complete Asset Value Loss—The extent of contamination is often such that banks will ‘walk away’ from foreclosure and write off the entire asset value.

(c) Partial Asset Value Loss—Even if the bank is not liable for cleanup operations, or the cleanup is not so extensive to justify a complete loss, banks can only sell contaminated, foreclosed properties for a small fraction of what the appraised value was at loan origination due to contamination. Banks must write off the difference.

(d) Indirect Operational Risk—Even if the bank is not taking a lien on real property, there is still a high risk due to the potential for significant unexpected expenses associated with dry cleaning operations. These expenses include spill clean-up costs, regulatory fines, operational interruptions due to permit loss, and increased costs due to various employee health issues.

Regardless of how much better today’s perchloroethylene or petroleum based dry cleaning machines are when compared to older machines, the risks noted above persist. While updated perchloroethylene and petroleum equipment may decrease the discharge of hazardous chemical solvents, they cannot eliminate them. Thus, banks will continue to avoid financing the equipment, the property on which it is located and the operator who uses them.

The complete elimination of the risks noted above by the CO process would clearly be the single most important positive development in the relationship between banks and dry cleaners in over a decade. However, this does not mean that banks will immediately be welcoming back dry cleaners. The removal of the environmental bank risk due to hazardous solvents is replaced with the financial risk of high leverage due to the cost of the new CO technology. Tax incentives such as those included in H.R. 1303 would significantly help to make this important new technology financially viable for dry cleaners and thus create a credit risk area the federal insured banks and banking regulatory agencies would be willing to lend to small businesses in the United States with $6.8 billion in commercial loans to businesses with less than $10 million in annual revenue. The average dry cleaner personifies what we would love to include in our portfolio—small, hard working, mostly family owned businesses with close ties to their communities. Legislation such as H.R. 1303 should allow these business owners to replace existing high interest loans, expensive leases, and less than desirable commercial locations with access to the bank capital needed for commercial viability and sustainable long-term growth.

Sincerely,
Joseph C. Bonner,
Vice President, Small Business Risk Management, Commercial Credit Policy Development.

HONORING CANDACE GUYTON AND BYRON C. SMITH
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. Frost. Mr. Speaker, today I congratulate Candace Guyton and Byron C. Smith, two Arlington, TX, teenagers whose artistic achievements earned them medals in a national health care competition. Byron won a second-place silver medal and $750 in scholarship money for his entry in the film making-video category at the NAACP-sponsored Afro-Academic, Cultural, Technological and Scientific Olympics (ACT SO) competition. Byron beat out more than 20 other students from across the country with his three-minute documentary cartoon about Bill Pickett, a Texas cowboy who pioneered the process of “bulldogging.”

Candace won a $500 scholarship and a third-place bronze medal in the vocal contemporary music category. Not only did Candace demonstrate her tremendous vocal skills, but she performed an original song, “A Thing Called Love.”

Congratulations again to Byron Smith and Candace Guyton and the proud parents of these wonderfully talented teenagers. Your tremendous achievements in Baltimore have made our North Texas community proud. Your success in the ACT SO competition is proof that you can succeed in anything you choose.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. ANDREWS. Mr. Speaker, on rollcall no. 255, I was unable to vote because of a family commitment. Had I been present, I would have voted ‘aye’; on rollcall no. 256, I was unable to vote because of a family commitment. Had I been present, I would have voted ‘aye’; and on rollcall no. 298, I was unable to vote because of a scheduling conflict. Had I been present, I would have voted ‘aye.’

RECOGNIZING RICHARD SCHWARTZ
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Richard Schwartz for the significant contributions he has made throughout the United States through his commitment to Goodwill Industries.

Richard Schwartz serves as a member of the Board of Governors of Goodwill Industries in Santa Clara County, CA, and has served on religious, organizational, and government boards in Boston, MA, and professional and health care organizations in New Jersey.

In addition to serving in the U.S. Army in Korea from 1953–1954, Richard has worked in interior design, insurance sales, and pharmaceuticals, and served as director of Government and Trade Operations and vice president of Customer and Industry Affairs for Syntex Laboratories, Inc.

Richard Schwartz chaired the National Wholesale Druggist’s Association health care awareness event and produced and co-directed a major health care conference at the University of Southern California Center of Excellence in Health Care Management.

Not only has Richard Schwartz served as a member of the board and chairman of the Governor’s Affiliates of Goodwill and served Santa Clara County, but he also represented 13 communities throughout the State by serving on the Council of California.
Goodwill Industries. After dedicated service to both the State and Goodwill Industries, Rich-ard received the Chairman’s Award by Good-will Industries International for outstanding leadership in a volunteer capability.

Mr. Speaker, Richard Schwartz has been an active volunteer who has greatly increased the visibility of the Goodwill mission. It is appro-priate that we recognize Richard at this time for his commitment and devotion to community service, the Goodwill organization and to our Nation.

DEVELOPMENTAL DISABILITIES ASSISTANCE, AND BILL OF RIGHTS ACT OF 2000

SPEECH OF
HON. BARBARA LEE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 27, 2000

Ms. LEE. Mr. Speaker, today we are com-memorating the 10th anniversary of the Ameri-cans with Disabilities Act (ADA). This law has proven to make a tremendous impact on the lives of 54 million individuals in our country. In the past decade, Americans with disabil-ities have been provided protection in employ-ment, public services, public accommodations, as well as services operated by private enti-ties, and transportation, telecommunications providers.

Since the passage of the ADA, millions of Americans have had the opportunity to con-trIBUTE to society by being able to work in all fields of employment.

This monumental law has also allowed dis-abled Americans to enjoy life by increasing their access to recreational activities as well as removing obstacles to business and leisure travel.

Because of the ADA more and more individ-uals are able to travel with their families or guide dogs with better accommodations and less barriers. People with disabilities now have more access to shopping areas, dining facil-ities, theaters, travel services, and much more. The ADA has helped to ensure equal em-ployment opportunity as well as allowed indi-viduals to materialize their educational and professional goals.

This law has opened up many doors to mil-lions of Americans by allowing them to lead independent and self-sufficient lives. The ADA has been an important tool in the fight to elimi-nate all forms of discrimination. The ADA has provided reasonable accommodations in the workplace. The ADA has made major dif-fferences in the lives of many individuals.

Let’s all celebrate the anniversary of the passage of this important law and celebrate the lives of millions of Americans.

LETTER FROM CARMEN SABRIA
HON. HOWARD P. “BUCK” McKEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. McKEON. Mr. Speaker, this letter was brought to my attention by a constituent of mine in the 25th district of California, and I find it fitting to include it in the CONGRESSIONAL RECORD. I believe Ms. Sabria sheds a whole new light on the Elian Gonzalez case, in retro-spect, and highlights many of the freedoms Americans take for granted.

LETTER TO THOSE WHO MAY NOT UNDER-STAND: Elianated yet? I am. And duly so. It seems like forever, and we’re all sick of it by now. But after Holy Saturday’s events, even I, a pretty impartial Cuban-American, feel obligated to at least help you, my American and Anglo-American friends understand why the Cuban community is so outraged!

To reunite a little boy with his father is a beautiful thing. To do it with a gun at his head is not! If I can remember the small trauma when I was only two years old and my father put me and my mother in the bathtub while the ironing board topped to the front door to protect us from a big hurricane, I am certain this six year old will never forget this day! To take a little boy back to his real home is wonderful. But Elian is not going home to Cardenas, his home town, oh no . . . He’s going to an 11-room mansion in Havana where he is going to live with his father but also with other children and some “teachers”. Is that “home” or an indoctrination camp?

To some of the impressionable Cubans you have seen on T.V. today may seem irrational in their desire to keep that little boy in this free land. To us who see a beautiful, fertile land that could still be a paradise island and we should be happy to reunite a little boy with his father is a beautiful thing. To do it with a gun at his head is not! If I can remember the small trauma when I was only two years old and my father put me and my mother in the bathtub while the ironing board topped to the front door to protect us from a big hurricane, I am certain this six year old will never forget this day! To take a little boy back to his real home is wonderful. But Elian is not going home to Cardenas, his home town, oh no . . . He’s going to an 11-room mansion in Havana where he is going to live with his father but also with other children and some “teachers”. Is that “home” or an indoctrination camp?

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A beautiful, fertile land that could still be as it was four decades ago, the most pros-perous and advanced of all Latin America, where now children can only drink milk for a few years before their “quota” is removed, where medical doctors give up their practice to work as taxi drivers so they can earn U.S. dollars to feed their families because the peso has no value anywhere; where young women prostitute themselves to tourists as the only way to earn that precious “dollar” that will buy us some shoes; where children must join the communist “pioneros” movement with their red berets and are taught to sing communist songs and hate American cowboys who want to be “Communist Youth” members and are kept from dreaming dreams by being fed stories of upcoming invasions from “the enemy”; a country where artists and writers can only produce art that follows the government line; and fathers like Juan Miguel must obey what Fidel Castro orders him to say and do rather than doing for his child.

Do you know that Elian’s father asked for a U.S. visa twice before little Elian came, and that he called his relatives here to let them know his child was coming here with him?

But little Elian will soon be reunited with his father and with his grandparents in that paradise island and we should be happy about that. No, maybe we’re not acting out of concern over Elian and what his life is going to be like when he goes back “home”. Maybe we’re acting out of the pain that’s in every one of these acclimated, prosperous, hard-working Cuban-Americans who cannot forget.

How can I forget the eight months I had to work in the fields shoveling dirt and pulling weeds as punishment because I had requested a U.S. visa to have my own shoes? How can I forget that my friends and I were kicked out of the University of Havana, even though we had the highest scores in our class, just because we had not joined the Communist Party’s Cuban Youth group? How can I forget the long year my godmother spent in jail for sus-picion of counter-revolutionary activities and was never the same woman again? How can I forget Eddy who died of suffocation when they packed him like sardines in a truck after being captured by the F.B.I. ? He was a handsome young man in his early twenties. How can I forget the months my cousin Ramon spent in the dungeons of La Cabana Castle right after the Bay of Pigs invasion (just for being a young man and not belong-ing to the communist militia), where they almost starved him to death and where he heard the shots every night who were being executed. How can my friend Marta forget the ten years she waited in Castro’s Cuba while her husband, a young poet, wasted away most of the time in solitary confinement, surrounded by rats and roaches, and the ten more years she spent in the States struggling to get him out? This poet is the former U.S. Ambassador to the United Nations Commission on Human Rights, Armando Valladares. Do you know that due to the terrible tortures and mal-nutrition he suffered he barely got together after 20 years, that he could not give her the children she had longed for and they had to adopt? Or Emilita, who sent her children to her parents to keep them safe while she stayed behind with her husband who was serving 20 years in political prison? When she saw her children again, they were no longer children.

The stories are endless, my friends, every Cuban in this country has a story, and it is those stories that are crying out today. The story of a people who felt betrayed after the Missile Crisis when President Kennedy signed a pact with Soviet Premier Nikita Khruschev never to allow Cubans to plot an other invasion to free their land . . .

The story of a people who are feeling betrayed again because one of our own who was saved from the sharks is now being sent back to the biggest shark of all . . . Fidel Castro, who will indoctrinate him and turn him into an icon of his propaganda or, if he doesn’t succeed, will destroy his spirit by turning him into a frustrated youngster with no way out.

My friends, I apologize for this “speech” because I thought it was not the time for this formerly not very outspoken Cuban to speak out. I know you will understand.

CARMEN SABRIA, Miami, Florida.

TRIBUTE TO LT. GEN. JOE N. BALLARD
HON. IRE SKELETON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. SKELETON. Mr. Speaker, let me take this opportunity to pay tribute to Lt. Gen. Joe N. Ballard, 49th Chief of Engineers and Command-er, U.S. Army Corps of Engineers, who is retiring from his post after 35 commendable years of service to our Nation.

Lt. Gen. Ballard assumed command of the Corps of Engineers on October 1, 1996, and has been responsible for an annual budget of over $12 billion and a leadership of a work-force of more than 35,000 civil and military personnel worldwide.

During his tenure as Chief of Engineers, Lt. Gen. Ballard led the Corps of Engineers in a
number of significant accomplishments. Among them were restructuring all levels of the organization, streamlining major changes in business practices, reemphasizing the Corps’ missions in support of the Army and Department of Defense, and strengthening the organization’s commitment to serve the nation and its vital interests.

Lt. Gen. Ballard has managed Army Corps of Engineers missions—including the nation’s vast Civil Works Program, environmental restoration, and construction on military installations. His leadership has guided the Corps in assisting with recovery from natural disasters as well as regulating work in the Nation’s waterways and wetlands, conducting research and development, serving as the Army and Air Force real estate agent, and providing engineering services to 60 other Federal agencies and more than 80 other nations. Earlier, he served as Commander of Fort Leonard Wood, Missouri, with great distinction.

In addition to the military honors that he has achieved, the Council of Deans of Historically Black Colleges and Universities and the Career Communities Group recognized Lt. Gen. Ballard as the 1998 Black Engineer of the Year. He has also been the 1998–1999 president of the Society of American Military Engineers and a member of the National Engineering Honor society, Tau Beta Pi.

Mr. Speaker, Lt. Gen. Ballard has had an outstanding career in the Corps of Engineers and with the Army. He will surely be missed by everyone at those organizations. As he retires, I wish Joe and his wife Tessie all the best. I am certain that the Members of the House will join me in paying tribute to this outstanding American.

HONORING MEMBERS OF THE VOLUNTEER HONOR ROLL

HON. JOHN J. DUNCAN, JR.
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. DUNCAN. Mr. Speaker, I am rising today to honor five of my constituents who have been named to the Honor Roll of Volunteers by the Appalachian Trail Conference [ATC].

Phyllis Henry, Jim Botts, Lionel Edney, Bill Kerr, and Dick Kettle are among the 75 people who received this award because of their hard work which symbolizes the efforts and dedication of thousands of volunteers who help manage and protect the Appalachian Trail.

The Volunteer Honor Roll was established to celebrate ATC’s 75th anniversary this year. Founded in 1925 to promote, build, and protect the Appalachian Trail, ATC is one of the most successful volunteer-based conservation and outdoor recreation organizations in the United States.

As you know, the Appalachian Trail is one of America’s premier hiking trails and the world’s longest footpath. Located within a day’s drive of two-thirds of the U.S. population, it is used each year by up to four million individuals from around the world. It is only through the great work and leadership of individuals like these five people and organizations like the Smoky Mountain Hiking Club, to which they all belong, that we are able to protect and maintain this great national treasure.

Each of these individuals has dedicated thousands of hours over the years so that we could enjoy the Appalachian Trail. I would like to take the time to personally thank them for all of their work and to honor their great volunteer spirit for which Tennessee has been recognized for hundreds of years.

LORI BERENSON

HON. JERROLD NADLER
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. NADLER. Mr. Speaker, today I support the recent letter signed by a majority of members of the House of Representatives urging the President to work for the release of Lori Berenson, an American citizen illegally detained in a military prison in Peru.

It is ridiculous that I must bring up this issue yet again after four years. How many letters must we send to the President of Peru on Ms. Berenson’s behalf? How many times must Mark and Rhoda Berenson appeal to members of their own government before they are reunited with their child?

Ms. Berenson was convicted four years ago of treason and sentenced to life imprisonment in Peru. The details of her case read like the script of a movie, secret Peruvian military tribunal, conviction in violation of international law, maximum security isolation, and now reports that her health is seriously threatened.

Ms. Berenson was convicted by a judicial system which has been characterized by the U.S. State Department as “inefficient, often subject to corruption, and easily controlled by the executive branch.” The state department further states that “proceedings in the military courts—and those for terrorism in civil court—do not meet internationally accepted standard of openness, fairness, and due process.” Ms. Berenson’s conviction has been condemned by the Organization of American States and the United Nations High Commission on Human Rights.

How does the American government, the most powerful government on the globe, the world’s hegemon, sit by and allow this to happen. How can we continue to tell Mark and Rhoda Berenson “We’re sorry, but there is nothing the United States of America can do to help free your daughter.”

I cannot express in words, the pain I would feel if my child was being held illegally, health deteriorating. All of us in this chamber should try to imagine for just a moment the pain that is felt each and every day by the Berensons.

We must then turn that sadness into a collective cry for action on the part of the administration. United States citizens must not be subject to corruption, and easily controlled by the most powerful government on the globe, the world’s hegemon, sit by and allow this to happen. How can we continue to tell Mark and Rhoda Berenson “We’re sorry, but there is nothing the United States of America can do to help free your daughter.”

I call on the President to act decisively. To use the vast resources of this great nation and demand Lori Berenson’s release.
Mr. FILNER. Mr. Speaker, I rise today to recognize Nico Ferraro, business manager of the Plumbers and Pipefitters Local 230, who was honored by the San Diego County Building and Construction Trades Council, AFL-CIO at the Eighteenth Annual John S. Lyons Memorial Banquet.

Nico Ferraro is being honored as the 2000 Labor Leader of the Year because he is an active labor leader who has gained a reputation for getting things done. He is a man of his word and has caught the attention of Local 230, and he was elected to the executive board in 1989. In 1992, he was elected pipefitter business representative and served in that capacity until his appointment as business manager in 1997.

As business manager of Local 230, he represents the 1600 member local union in many ways. He is a trustee to the pension and health and welfare funds, the secretary to the Joint Apprenticeship Committee, delegate to the District Council, and executive board member to the Building Trades and the Central Labor Council. He serves on a statewide committee for the International Union and he is also a hearing officer for the International Union. He is a management trustee for the OPEIU pension.

Nico is dedicated to improving the wages, pension, and working conditions of his membership and demonstrating to all of San Diego the benefits of being a union member. He has spoken before the Industrial Welfare Commission, the California Apprenticeship Council, to church groups and to community college students on the benefits of being a union member.

He is involved in all aspects of the labor movement. A number of his pro-union letters to the editor have been published in San Diego newspapers. He co-chairs the Labor Council Street Heat Committee. He raises money for Local 230’s scholarship fund. Recently, he was appointed to the Industrial Welfare Commission Wage Board where he will be asked to determine the wages, work hours, and working conditions for the mining, drilling, and construction industries.

Nico’s dad, uncles, brothers and neighbors in New York City were union members. He learned at an early age the value of union membership. He served a five-year steamfitter apprenticeship with one of the original United Auto Workers Local 638. From the minute he was initiated into the union, he knew it was for him! A highlight was his work on the 110 story World Trade Center twin towers building in New York.

Nico has been married for the past fourteen years to his wife Lynn, who is a member of the California Teachers Association. As a friend and supporter of the working man and woman, I want to sincerely congratulate Nico Ferraro on receiving this prestigious award for his long hours and intensive work in the cause of justice. It is an honor to know him and to support his work!

SECTION 907 OF THE FOREIGN ASSISTANCE ACT

HON. JOE KOLLENBERG
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. KOLLENBERG. Mr. Speaker, today I stress the importance of retaining Section 907 of the Foreign Assistance Act in the Foreign Operations Bill.

For more than 10 years Azerbaijan has cut off the transportation of food, fuel and medicine from the United States and the United Nations to our ally Armenia. Armenia and its neighbor, Nagorno-Karabagh are both landlocked, and these blockades are virtually isolating them from the rest of the world.

Section 907 prohibits United States aid to Azerbaijan and constitutes a focused, appropriate message to the government of Azerbaijan that the United States won’t support efforts to marginalize, via blockade, entire populations of neighboring states.

Section 907 must remain in place until the President of Azerbaijan confirms that country is taking steps to cease blockades and offensive uses of force against Armenia and Nagorno-Karabagh.

I encourage my colleagues to support Section 907 in the Foreign Operations bill.

AUTHORIZING BUREAU OF RECLAMATION TO PROVIDE COST SHARING FOR ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR UPPER COLORADO AND SAN JUAN RIVER BASINS

SPEECH OF
HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of H.R. 2348, I urge its approval.

This bill is an important one for Colorado and the other States within the upper basin of the Colorado River and the basin of the San Juan River.

The recovery program for endangered fish in the upper basin of the Colorado river is a cooperative program involving the State of Colorado and our neighboring States of Utah and Wyoming; the U.S. Fish and Wildlife Service, Bureau of Reclamation, and Western Area Power Administration, environmental organizations, and water-development interests in all three states.

The State of Colorado is also a participant in the recovery program for the San Juan program, along with New Mexico, the Southern Ute and Ute Mountain Ute tribes, USFWS and Bureau of Reclamation, the Navajo Nation, the Jicarilla Apache Tribe, and water development interests.

Both recovery programs are aimed at recovering the endangered fish in ways that meet the requirements of the Endangered Species Act while minimizing conflicts and allowing continued utilization of the area’s scarce water resources for this and other purposes in ways that are consistent with applicable state laws, interstate compacts, and Supreme Court decrees allocating water among the states.

The purpose of the legislation is to provide a specific authorization for the funding that is necessary for implementation of these programs. Such funding has been consistently provided in recent years, but having such a specific authorization will provide greater certainty for all concerned.

The bill is the product of a cooperative effort among the participants in the programs and other interested parties. It is a sound and balanced measure that merits strong support. I am glad to have the opportunity to join with Chairman HANSEN and the other sponsors of this legislation in urging its passage by the House and hope that the Senate will act promptly to send it to the President for signature into law.
LARRY LUCCHINO: THE JOHNS FELLOWSHIP AWARD OF THE SAN DIEGO COUNTY BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

HON. BOB FILNER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. FILNER. Mr. Speaker, I rise today to recognize Lulu, as he is honored by the San Diego County Building and Construction Trades Council, AFL-CIO at the Eighteenth Annual John S. Lyons Memorial Banquet.

Larry Lucchino, President and Chief Executive Officer of the San Diego Padres, is being recognized for his contribution to the community of San Diego and for fulfilling three fundamental commitments of ownership which he made as he purchased the San Diego Padres baseball team on December 21, 1994.

First, the Padres, under the leadership of Larry Lucchino have become active participants in the community, assisting the children of the region in their education, recreation, and health. The Padres Scholars Program was established in 1995 to aid students with college scholarships. The Little Padres Player Program has committed to building or refurbishing 60 youth ballfields in San Diego and Northern Baja. The Cindy Matters Fund, named for a lifelong Padres fan who inspired Padres players and staff during her fight against cancer, pledges assistance in the treatment and research for the disease.

Second, he has helped to rebuild the club so that they were recognized as the most Improved team in the National League in 1995 and champions of the National League West in 1996. In 1998, the Padres captured the National League West Championship and then proceeded to the World Series to play against the Atlanta Braves.

He has also created a warm and fan-friendly environment at the local Qualcomm Stadium, and his passion for the internationalization of baseball has led to historic achievements with the Padres playing games in Mexico and Hawaii, and establishing relations with teams in Japan and Korea.

In addition, Larry Lucchino is active in both civic and charitable institutions in San Diego, serving on the CEO Roundtable, the Board of Directors of the Economic Development Corporation, the Binational Advisory Council on Border-Crossing Process, and the Board of Directors of the Padres Foundation.

He has the unique distinction of earning a final Four watch with Princeton in 1965, a Super Bowl ring with the Washington Redskins in 1983, and the World Series ring with the Baltimore Orioles in 1983. He has earned a reputation as one of baseball’s modern-day innovators. As President and CEO of both the Baltimore Orioles from 1988–1993 and the San Diego Padres since 1995, he has broken ground in ballpark design and planning, the development of new marketing concepts, and the furthering of player-owner relations.

Larry Lucchino has been honored by a very special award. The JOHNS Fellowship Award was established to commemorate the late John Lyons of the Teamsters who was one of the founders of the San Diego Chapter of the Leukemia Society of America. The proceeds from the Memorial Banquet will be used to support local charitable causes including bone marrow testing and local research grants.

My sincere congratulations go to Larry Lucchino, and I am proud to salute him and to recognize his accomplishments with this statement in the United States House of Representatives. Thank you, Larry.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

SPEECH OF
HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 20, 2000

The House in Committee of the Whole on the House of the Union had under consideration the bill (H.R. 4871) making appropriations for the Treasury, Postal Service, 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.

Mrs. MORELLA. Mr. Chairman, I want to support the efforts of Congressman Wynn and his desire to provide funding for FDA consolidation in Montgomery County, Maryland. In last week’s Treasury Postal Appropriations bill, no funding was made available for the consolidation project. I wholeheartedly agree with Rep. Wynn’s request that greater consideration for the project be made in conference.

Presently, the FDA has approximately 39 different buildings in 21 different locations and 6,000 employees throughout the Washington, DC metropolitan area. The purpose of the consolidation project was to condense those buildings, employees, and locations into one site, the former Naval Surface Warfare Center in White Oak Maryland. There are several benefits of this consolidation: one, it would allow for the design and construction of a Center for Drug Evaluation and Research Laboratory (CDER). Two, there would be a savings of more than $200 million in lease costs over a ten year term. Three, it would help fill the void left by the closure of the 700 acre White Oak Naval Surface Warfare Center.

I am aware that no construction projects were funded by the Treasury/Postal subcommittee; however, this project benefits the nation by establishing a much needed drug evaluation and research laboratory while reducing costs for taxpayers.

I urge the conferees to restore the funding that was part of the President’s proposed FY 2001 budget.

A TRIBUTE TO DETECTIVE MATT EATON

HON. GARY G. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to congratulate Detective Matt Eaton, of the Montclair, California Police Department, for earning the Montclair Chamber of Commerce 1999 Annual Achievement Award.

Detective Eaton was hired as a full-time police officer in 1989, working the cornerstone of policing, patrol enforcement. Over the past eleven years, Detective Eaton has developed his highly specialized skills through training and daily experiences.

Known for his energy and enthusiasm, Detective Eaton is quick to volunteer to help others with their tasks. He commits great effort and dedication to his job, often working late on his days off His vision and leadership led to the development of a community-wide standardized Crimes Against Children Protocol. However, Detective Eaton’s dedication is not limited to the City of Montclair. He drafted a California State Assembly Bill designed to protect all residents from the invasion of concealed cameras.

Detective Eaton has been recognized by Project Sister, Child Protective Services, the Los Angeles County Sheriff’s Department, San Bernardino County Sheriff’s Department, and he has been honored by his own department as the recipient of their Annual Achievement Award.

Detective Eaton’s eleven years of exemplary service distinguishes him as a true American hero, worthy of this Congress’ praise and gratitude.

HONORING THE CHILDREN’S INN AT NIH

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mrs. MORELLA. Mr. Speaker, I rise to recognize and celebrate the 10th Anniversary of the Children’s Inn at the National Institute of Health, located in Bethesda, Maryland. The Children’s Inn has provided the critical service of a warm, friendly, and comfortable environment for seriously ill pediatric patients and their families since June of 1990.

The NIH is the premier biomedical research facility in the world. Children from across the nation and around the world regularly travel to the NIH to receive extraordinary treatments for many illnesses and disorders. While patients receive their medical treatments, the Children’s Inn provides a comforting, stable environment for families going through the emotionally draining experience of treating a seriously ill child.

During the past 10 years, nearly 4,000 children and their families have made 23,263 visits to The Children’s Inn. The facility provides a welcome solace for both patients and families. A warm group of staff members and volunteers assure that each resident of the Children’s Inn is comfortable and feels at home. At the end of long days filled with tests and treatments, the young patients are greeted at the Inn with a variety of activities. The children can enjoy arts and crafts, bingo, movies, video games, computers, and the fellowship of other children sharing similar experiences.

Families staying at the Children’s Inn are provided a 24-hour support network of grandparents, aunts, uncles, cousins, and volunteers, and other parents caring for children. This provides an invaluable resource in boosting morale, and makes the treatment process not
only bearable, but also enjoyable for both patients and family members.

A recent story in a local Montgomery County, Maryland newspaper told the story of a mother of a terminally ill child who was a resident at The Children’s Inn on various occasions. Speaking from the positive influence the Children’s Inn has had on her family, she said, “The Inn was one of the greatest gifts I could receive.”

Congratulations to the Children’s Inn for 10 years of devoted service to our community. Keep up the great work!

EDWARDS ELEMENTARY SCHOOL: MUSTAFAA SALEH AND LISA MATTESON

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. LIPINSKI. Mr. Speaker, these students are all credit to their families and the Chicago community. I wish them tremendous success in their continuing education and future aspirations. Furthermore, I charge all of them to use their strength and leadership in service to this great nation. Mr. Speaker, I am again pleased to offer my sincere congratulations the winners of my 2000 Spirit of Achievement Award program.

RICHARD H. BLADES, 1930-1999:
PUBLIC SERVANT

HON. STEPHEN HORN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. HORN. Mr. Speaker, late last year, we lost a remarkable man—a man who made significant contributions to every field he touched: the non-profit sector, business, politics, and government, including the House of Representatives.

Richard H. Blades was an expert in public relations who never sought publicity for himself, a political strategist of the first rank who never held office, a man of comfortable means who never forgot those less fortunate, and a man with a great sense of humor who never failed to confront the serious issues of his community, state, and nation.

Dick Blades was born in Huntington Park, California, and established a reputation in high school, and at the University of Southern California, as a skilled debater. After graduating from U.S.C. in 1952, Dick began work as a public relations consultant and political strategist. He also established an extraordinary partnership with Alphonzo Bell.

In the 1950s, Al Bell was a major figure in the California Republican Party serving as Chairman of the State Republican Central Committee, and later as Chair of the Los Angeles County Republican Central Committee. Dick worked with Al Bell on some of the legendary internal battles of the Republican party in the 1950’s—featuring such larger-than-life figures as Governor Goodwin Knight, Senator William F. Knowland, the Republican Leader of the United States Senate, Senator Thomas H. Kuchel, the Republican Whip, and Vice President Richard M. Nixon.

Alphonzo Bell was then elected to the House of Representatives in 1960 from Los Angeles and would serve for sixteen very distinguished years. During those years, Dick assisted Congressman Bell in a variety of capacities, including campaign manager, field representative, and administrative assistant. Dick not only helped him win four terms on Nelson Rockefeller’s 1964 campaign for President, and Charles Percy’s victorious 1966 campaign for United States Senate in Illinois.

The partnership of Congressman Bell and Dick Blades enjoyed great success and they had many significant legislative accomplishments in the 1960’s and 1970’s, especially in the areas of education, space and technology, and the environment. Their proudest achievements included initiating the preservation of the Santa Monica Mountains and the Channel Islands, and establishing the San Onofre area as a public beach.

Dick had great respect for the House of Representatives as an institution where diverse people and interests would come together to resolve conflicts. He is an example of what that kind of work—the dedicated staff member who serves his Representative, Congress, and the country, with honor, wisdom, and loyalty. Dick also respected the electoral process and was known for his keen understanding of the issues. The campaigns he managed spoke honestly and intelligently to the people, and Dick treated the voters as independent citizens capable of exercising good judgment, not as a pliable mass to be manipulated with modern media techniques.

After Congressman Bell’s retirement, Dick provided consulting services to Bell Petroleum and embarked on another extraordinary career as a volunteer board member in the non-profit world. All of the skills Dick displayed in the political world were now being used to help charities—many of them very small or new organizations doing innovative work.

Dick’s qualities of judgment, wisdom, and ability to get things done, along with his skills in finance, public relations, policy, and personnel, made him a revered and sought after political strategist. He was President of the Asthma and Allergy Foundation of Southern California and helped begin the Breathmobile project which brings critical medical services to inner city children. The Breathmobile program has been credited with saving hundreds, if not thousands, of lives, and was later expanded to the entire country.

Dick was also a valued board member and officer for the Center for Latin Education Popular, which trains Spanish-speaking adults to read and write, the Western Law Center for Disability Rights at Loyola Law School, and the Rose Foundation for Communities and the Environment.

Although Dick was unquestionably a man of the sensible center, he had a diverse collection of friends who ranged from the far right to the far left. He helped to moderate them, but he, in turn, learned from them and was always open to good ideas from any source.

At Dick’s memorial service, there was an astonishing array of friends from all walks of life—business, charities, education, politics, and entertainment—and from all stations in life, young and old, the wealthy and those of modest means, celebrities and those whose names have never been in the papers.

What they had in common, along with Dick’s friends who could not attend, was deep affection and respect for an extraordinary man who had no children but who touched the lives of many, and who leaves a legacy of achievement and generosity of spirit that is a model for us all.

IN HONOR OF EMILIO MILITO NAVARRO, EUGENE GENE SMITH AND WILMER RED FIELDS

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Emilio "Milito" Navarro, Eugene "Gene" Smith, and Wilmer "Red" Fields; three players who have made a celebrated contribution to the baseball history of America.

Emilio Navarro played for the Cuban Stars and is the last known living player from the Eastern Colored League. Considered an excellent hitter, in 1928 Emilio was the regular shortstop and lead off batter for the Cuban Stars and posted a .337 batting average in the following season. Frequently listed as “Milito” in the box scores, he was a star in his homeland of Puerto Rico, and was elected to the Puerto Rican Hall of Fame in 1992.

Eugene Smith played in the Negro Leagues from 1939 to 1950 and pitched for the Cleveland Buckeyes in 1947. He was regarded as a power pitcher with a good fastball and slider, and was one of the “Big Four” on the St. Louis Stars’ pitching staff.

Wilmer “Red” Fields was an ace pitcher for the Homestead Grays team that won the National Negro League Championship in 1948. He registered a 7-1 record in league games that year, appeared in the All-Star game, and pitched in two World Series games. After the Grays disbanded, Fields was offered positions with five major league teams, but turned all the offers down. He died however, play for Toronto in the International League, as well as playing in several Latin American Leagues during winters.

My fellow colleagues, please join me in honoring these three admirable athletes, whose talents are being recognized at the Third Annual Negro/Hispanic Baseball Legends Celebration this year.

INTRODUCTION OF THE NORTHERN FRONT RANGE ROADLESS AREA AND MOUNTAIN BACKDROP PROTECTION ACT AND THE COLORADO FOREST RESTORATION AND FIRE REDUCTION ACT

HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. UDALL of Colorado. Mr. Speaker, today I honor Emilio “Milito” Navarro, Eugene “Gene” Smith, and Wilmer “Red” Fields; three players who have made a celebrated contribution to the baseball history of America.

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HON. MARK UDALL
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. UDALL of Colorado. Mr. Speaker, Colorado’s forest lands are one of the things that makes our state a very special place to live. But as our population increases, so do the pressures on our forests and the potential damage that can result from intense wildfires
So far, development in the Denver-metro area has not yet surrounded the Rocky Flats site. However, growth and sprawl are heading its way. Now is the time to shape the future of this part of the Front Range, and I think we have a real but fleeting opportunity to establish the Rocky Flats and lands to its west as a "crown jewel" of open space and wildlife habitat that will be of inestimable value for Coloradans for generations to come. I also think the federal government can help achieve that goal. So, my bill would call on the Forest Service to examine the land ownership patterns within those lands that are undeveloped, and recommend options on how these areas could be preserved.

FOREST RESTORATION AND WILDFIRE PREVENTION

The second bill I am introducing is the Colorado Forest Restoration and Fire Reduction Act. This bill complements the roadless-area protection bill by addressing some of the most pressing forest issues in other areas—the parts of Colorado’s forests that adjoin urban development and that are at greatest risk for intense fires that can despoil watersheds and destroy homes.

As the news headlines continue to report, wildfires on national forests and other forested lands are a serious problem this summer—especially in Colorado. Right now, a major fire is still burning at the Mesa Verde National Park, another threatens the watershed of Glenwood Springs, and people are trying to recover from earlier fires that destroyed homes in areas of the Front Range.

Part of the problem results from hot, dry weather. But there are other, contributing factors. For many years, the Forest Service has a policy of trying to suppress nearly every fire, even though fire is an inescapable part of the ecology of western forests like those in Colorado. Today, in many parts of the forests there is an accumulation of underbrush and small diameter trees that is greater than would be the case if there had been more, smaller fires over the years. They provide the extra fuel that can turn a small fire into an intense inferno. Add to that our growing population and increasing development in the places where communities meet the forests—the so-called "urban interface"—and you have a recipe for worse problems ahead.

Properties, lives, and wildlife habitat are at risk, and so is the environment. Uncontrolled wildfires strip the land of its protective vegetative cover, making it highly susceptible to erosion. We have seen what that means in places like Buffalo Creek, where the eventual rain storms wash sediment and forest material into waterways, polluting and clogging sources of drinking water. In addition, wildfires also have serious adverse effects on the quality of the air.

Working with state and local partners, including our state forest service, the U.S. Forest Service has identified the interface areas at greatest risk of fire—the areas they call the "red zone." My second bill deals just with those areas.

Red zone areas in Colorado are situated in regions that contain complex land ownership patterns—frequently involving federal, state, Tribal, county, private and city lands. Those patterns make it difficult for any one agency to deal with the problem on its own, and take a solution that is more comprehensive.

My bill would address these problems by establishing a program to share costs and provide incentives for collaborative efforts at forest restoration and fire-prevention projects in the red zone.

The bill calls on the Forest Service to work with state and local agencies, independent scientists, and stakeholder groups to identify priorities and develop projects for forest restoration and fire prevention. The bill spells out clear and sound requirements such that such projects would have to meet to be eligible for funding—including preservation of old trees and trees larger than 12" in diameter. It also specifies that preservation of roadless areas would be required, and that all projects would have to meet the requirements of all federal and state environmental laws.

To help assure the integrity of the program, the bill would require establishment of a technical advisory panel, including independent scientists as well as representatives of relevant agencies and stakeholder groups, to provide additional guidelines and set priorities. It would also require that the projects authorized under the bill be monitored and evaluated for their benefits and any potential adverse impacts to make sure the program is working as intended. The bill also authorizes funding to provide the federal share of the costs of the projects developed and implemented under the program.

Ultimately, the objective of this bill is to develop new collaborative relationships between the Forest Service and state, local and private forest experts and landowners—together with the public—to get out on the land and address problems before they become uncontrollable.

The theory of this bill is that it is cheaper and more effective to prevent fires than to fight them. Reducing fire risks and restoring natural balance on our forested lands can help us accomplish that goal.

Mr. Speaker, these bills were not written overnight and they do not reflect just my own ideas. In developing them, I have drawn upon the technical expertise of federal and state agencies and have consulted with members of the Colorado conservation community as well as with other Coloradans who are familiar with the resources, values, and problems of our forests. I think these bills are sound, balanced measures that can help address some of the most pressing of those problems. I look forward to working with other Members of the Colorado delegation and the Congress as a whole to achieve the important goals of this legislation.
from other states, VAWA "has enabled us to maximize the effectiveness of our state programs that have made a critical difference in the lives of women and children endangered by domestic violence, sexual assault, and stalking." The current authorization for VAWA expires this year. Because I know the importance of maintaining and strengthening this critical measure, I have joined in cosponsoring H.R. 1248, the VAWA reauthorization bill. I was encouraged when the Judiciary Committee approved it for consideration by the full House. But that happened on June 27th—a full month ago—and still the bill has not reached the floor, even though many less important measures have been considered.

I call on the leadership of both parties to bring the VAWA reauthorization bill to the floor without further delay. This is too important a matter to neglect.

A TRIBUTE TO CARY J. BRAIRTON

HON. GARY G. MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. MILLER of California. Mr. Speaker, it is with great pleasure that I celebrate the 50th Birthday of Cary J. Brairton of Pittsford, NY.

Mr. Brairton was born on August 19 to his father and mother, James and Arax Brairton in Rochester, NY and has been living in the Rochester area for all of his 50 years. His father was a member of the Rochester City Council and owner of a small business in the heart of downtown Rochester. Mr. Brairton graduated from the Rochester Institute of Technology in 1972. He has been an employee of the Eber Brothers Corporation for 27 years.

Mr. Brairton has been an active member in the community and to youth development. He has come to the aid of many youth athletic teams to ensure the kids would have the opportunity to play little league baseball, football or soccer by becoming a coach, volunteer or referee when no one else would agree to do so.

But his biggest achievement has been his devoted love to his two sons, Michael and Scott. Mr. Brairton lost his father in 1963 and grew up much of his life without the benefit of a paternal influence. For this reason, he has been a loving father and role model to his sons. Mr. Brairton's greatest accomplishment has been his overwhelming commitment to encourage and support his children in whatever activities they chose to participate in, whether it was sports, musicals, or other activities. He almost never missed one of his children's activities, even when his older son was playing lacrosse in college six hours away or when his youngest was participating in soccer tournaments across the eastern seaboard.

Mr. Brairton will also be celebrating his 28th Wedding Anniversary on August 19. Mr. and Mrs. Brairton met while they were students at Eastridge High in Irondequoit, NY in 1967. The couple weathered the storms of a long distance relationship as Mr. Brairton attended 2 years at Heidelberg College in Ohio while Mrs. Brairton enrolled at Buffalo State. Hundreds of weekend visits to his wife-to-be allowed their love to flourish and in 1972, the two were wed at Saint James Church in Rochester, NY.

Cary J. Brairton has been a committed father demonstrating great family values and deserves the congratulations of this Congress on his 50th Birthday and the anniversary of his 28 years as a dedicated husband.

INTRODUCTION OF THE BOOK STAMP ACT

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. HOLT. Mr. Speaker, in this new century, an education is more important to Americans than ever before in our nation's history. We have progressed from the agricultural-based economy of our forefathers to one that is knowledge-based and dependent on information and communications technology.

Today, in order to succeed and even just to function in this new economy, Americans must have a solid education and foundation of skills. In addition, Americans must be equipped with the skills necessary to continue learning. They must be prepared to survive in a world of rapid social and technological change.

Literacy is the primary tool needed for lifelong learning. It opens up doors to new opportunities and experiences.

Yet, today, too many Americans are unable to read a single sentence. In fact, nearly 40 percent of our nation's children cannot read at grade-level by the end of the third grade. In disadvantaged communities, this failure rate is a shocking 60 percent. Without the basic skill of literacy, these children are likely to fall to the wayside in our new economy.

We must combat illiteracy. However, we cannot wait until these children start school; we must reach them earlier. We should eagerly seek to give these children the excitement, the satisfaction, the empowerment, and the impetus for growth that comes from reading.

Studies have confirmed that reading to young children in the years before age 5 has a profound effect on their ability to learn. Doctors have told us that a child's brain needs intellectual stimulation to grow to its full potential, so we must read to our children from birth through school age. But many families do not have access to children's books. A recent study found that 60 percent of kindergarten children who performed poorly in school did not own a single book.

The Book Stamp Act, which I am introducing today along with my colleagues Mr. UPTON, Mr. ANDREWS, Mr. MILLER, Mr. OWENS, Mr. PAYNE, and Mr. ROMERO-BARCELO, and which was recently introduced in the Senate by Senators KENNEDY and HUTCHISON, will help provide children with their own books before they enter school.

The act authorizes an appropriation of $50 million a year for this purpose. It also creates a special postage stamp, which will feature an early learning character and which will sell at a slightly higher rate than the normal 33 cents, to create additional revenues for the Book Stamp Program.

The resources will be distributed through the Child Care and Development Block Grant to the state child care agency in each state. The state agency then will allocate its funds to local child care research and referral agencies throughout the state on the basis of local need.

These non-profit agencies will work with estaduales de distribución de libros como First Book, Reading Is Fundamental, and Reach Out and Read to coordinate the buying of discounted books and the distribution of the books to children.

However, since these young children cannot read on their own. These agencies will also work with parents and child care providers to educate them on the best ways to read to children and the most effective use of books with children at various stages of development.

Illiteracy is a serious problem. For our Nation to continue to thrive in this new century, we must ensure that all children have the ability to read and learn. The Book Stamp Act will help achieve this goal.

I urge all of my colleagues to join me in support of this bill.

HONORING LOUIS' LUNCH ON ITS 105TH ANNIVERSARY

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to celebrate the 105th anniversary of a landmark: Louis’ Lunch. Recently the Lassen family celebrated this landmark as well as the 100th anniversary of their claim to fame—the invention and commercial serving of one of America’s favorites, the hamburger.

A hundred years ago, Louis Lassen, founder of Louis’ Lunch, ran a small lunch wagon selling steak sandwiches to local factory workers. A frugal businessman, Louis did not like to waste the excess beef from his daily lunch rush. So, he ground up the excess, grilled it, served it between two slices of bread—without ketchup. With a meat grinder and a streak of that infamous Yankee ingenuity, Louis changed the course of American culinary history, serving America’s first hamburger.

This is the story that each faithful patron will hear when they visit the small Crown Street luncheonette still owned and operated by the third and fourth generations of the Lassen family. Hamburgers are still the specialty of the house where steak is ground fresh each day and hand molded, still slow cooked on the same turn-of-the-century gas grills, broiled vertically, and served between two slices of toast with your choice of three acceptable garnishes: cheese, tomato, and onion. Requests for ketchup or mustard are briskly declined. This is the home of the greatest hamburger in the world—a claim that is uncontested; perhaps best known for allowing their customers to have a burger their way or not at all.

More than just another diner, Louis’ Lunch has held a special place in the hearts of the residents of New Haven for more than a century. Thousands turned out in the 1960s and 1970s when the city was perhaps best known for allowing their customers to have a burger their way or not at all.

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These social insurance programs have blessed America with a reputation of protecting her citizens. As the Declaration of Independence famously states, our government has the responsibility to secure the rights of life, liberty and the pursuit of happiness. In the past sixty-five years, the Social Security Administration has achieved in the past sixty-five years.

Mr. Speaker, I congratulate the Social Security Administration, Congress, and the American people for their commitment to the social security system. I look to the future and envision the achievements that are yet to come. I ask my colleagues to join me in this celebration and recognize the sixty-five years that Social Security has been improving America.
sunset the Federal Tax Code and allow Congress to debate a replacement. I am still hopeful the Senate will do the right thing and take up that bill. However, it is becoming increasingly clear that this is an issue that, if we hope to make serious progress, we must have a serious study. A serious and comprehensive report to the President and Congress will allow us to move forward on this issue with some foundation.

The Tax Code has become so intrusive, it invades the daily decisions of families and businesses. I know this from my own experience and from raising a small business, as well as from raising a family. As Americans, I know we can do better.

There is no question that fundamental tax reform is desperately needed. The Federal Tax Code is 7 million words long, a patchwork maze of complexity and confusion. It is intrusive, invasive, and overly complex—as my constituents continually remind me.

The majority of Americans now turn to tax professionals to prepare their tax forms. This is hard to believe, but it is true. Many have no choice they simply do not understand all the tricks and traps. Unfortunately, many of these same tax professionals are calling for tax reform and simplification as well. I have spoken with accountants and tax professionals from my district who have told me of their struggles and uncertainties.

This is not just my district. In 1998, Money Magazine asked 46 tax professionals to calculate a hypothetical family's tax responsibilities. Not one got the correct answer, and no two even got the same answer. When tax professionals do not understand the Federal Tax Code, what about American families?

There are exemptions you may never know you qualified for, and deductions you forgot to take. There are different rates, and different dates by which you need to file different forms to qualify for those rates. There are ways in which money must be moved through a complex series of traps to avoid paying maximum taxes, and there are mine fields of forms you may never have known existed, which you needed to file last week to avoid the fine you just received. And there are people who make their living mapping out the maze and guiding others through this code.

I do not fault these people—it is a good living, and they are only dealing with something that we in Congress created. But is this the best we can do? Is this in keeping with a government of the people, by the people, for the people?

The Internal Revenue Service, which is generally made up of honorable men and women, has been given the task of managing this monster. It takes 136,000 people to administer our federal tax laws. The FBI employs less than 30,000—and they combat terrorism.

Since 1986, there have been over 5400 modifications to the Tax Code—and it is still not fixed.

We must return fairness and simplicity to our federal tax policy. I recognize this will not be an easy task, I know that some are comfortable with the way things are, but I believe it is the right thing to do.

I believe we are most secure when we are most free, and the complexity and confusion of the federal tax code hinders our freedom. I am convinced that a simpler code will better serve the American people.

The journey of a thousand miles begins with a single step. When I came to Congress, I came with a dream of increasing freedom for people. In this, I continue to dream of a world in which Americans live under a tax code that is simple and fair, a code that makes sense. To get there, it takes courage. To get there, we must take the first step.

I invite my colleagues to cosponsor the Portman/DeMint tax reform commission bill this year. I believe this President and Congress can do a responsible way. We can get a handle on this issue, and get a foothold to move forward with fundamental tax reform. This is what the American people have entrusted us to do, and I ask for your help in securing the future for our country.

KASHMIRI LEADER RAISES AUTONOMY ISSUE, OTHER STATE LEADERS FOLLOW HIS LEAD

HON. DAN BURTON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. BURTON of Indiana. Mr. Speaker, the Chief Minister of Kashmir, Farooq Abdullah, recently called for greater autonomy for the state of Kashmir. However, Abdullah is closely allied with India's ruling BJP, and the BJP opposes autonomy. Other time-limited state leaders like Gurcharan Singh Tohra and Simranjig Singh Mann asked Chief Badal to pass a similar measure in the Punjab Assembly.

Under India's constitution, Kashmir was supposed to have special status, but India has systematically chipped away at it. How would Chief Minister Abdullah make sure that they do not do so under his autonomy plan? The Indian government has imposed President's Rule on Punjab nine times. How would Punjab leaders ensure that it would not happen again if Punjab has autonomy? When India forcibly and illegally occupied Kashmir, they promised that there would be a plebiscite on Kashmiri's status. That promise has not been kept. The Sikhs in Punjab were promised "the glow of freedom" in Punjab. That promise, too, has been broken. India proclaims its democratic principles loudly, but fails to live up to them when the time comes.

Mr. Speaker, the book The Politics of Genocide by Iderjit Singh Jaijee reports that the Indian government has murdered over 250,000 Sikhs since 1984, over 70,000 Kashmir Muslims, more than 200,000 Christians in Nagalim, and thousands of others. According to Amnesty International, thousands of innocent civilians are being held as political prisoners. Christmas of 1998 unleashed a wave of violence against Christians that has resulted in church burnings and bombings, the murders of priests and missionaries, and other atrocities. Just recently, two extensive, independent studies concluded that the Indian government killed 35 Sikhs in Chithi Singphora. Amnesty International has also said that India is responsible. How is autonomy going to prevent these things happening?

America should support self-determination for all the peoples and nations of South Asia. We should act against the atrocities by cutting off America aid against India until basic human rights are restored by India within its borders. We should declare India a terrorist nation. And we should declare our support for self-determination in South Asia by calling for a free and fair plebiscite on the question of independence. Not autonomy, but independ- ence. That is the only solution, the only way to bring true freedom to all the peoples and nations of South Asia. If India is truly a democ- racy, why can't it allow the people of Kashmir to have the plebiscite fifty-two years ago? Why can't it allow the people of Khalistan, Nagalim, and the other nations seeking their freedom to vote on their status the democratic way? Is that too much to ask for democracy?
slaves into their homes, fed them, hid them from authorities, and transported them to the next stop up the road so at high risk, as those who aided fugitives were prosecuted, especially after the passage of the Fugitive Slave Act of 1850. I am proud to say that Southern Indiana played a key role in the Underground Railroad, one of the most powerful and sustained multiracial human rights movements in world history. The Ohio River, which separates Kentucky and Indiana, represented the border between slavery in the South and freedom in the North. There were twelve major crossing points for runaway slaves along the Ohio River, three of which were in my Congressional district. Once the slaves crossed the Ohio River, they were not only in free territory, Ohio, Indiana, but they had placed that wide river between themselves and their pursuers.

In Indiana, fugitives could find refuge at Bill Crawford's farm near the town of Corydon. Conductors transported fugitives from the mouth of Indian Creek in Corydon across Jackson County or Jennings County on their way towards Ohio. Those who took a different route over the Ohio River found refuge in Jeffersonville and Rising Sun. John B. Todd's house in Madison, the site of some of the busiest Underground Railroad activity in the state, was a well-known safe haven for escapees. There were an estimated 600 to 800 successful escapes through Kentucky and Indiana each year due to these brave efforts.

Mr. Speaker, I salute both the Hoosiers who helped the fugitive slaves through the Underground Railroad and the slaves whose love for freedom motivated them to risk their lives escaping to the North. The Freedom Center in Cincinnati, Ohio, will facilitate a greater understanding of our nation's history and honor those who risked their own freedom to stand by their conviction that no person should be a slave to another.

A TRIBUTE TO THE 2000 "SPIRIT OF ACHIEVEMENT AWARD" WINNERS

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate the participants of my 2000 Spirit of Achievement Award program. In 1982, when the current citizens of the 3rd District of Illinois elected me to represent them in the United States Congress, I introduced this very successful program. Since then, every middle school in the 23rd Ward of Chicago annually selects a graduating 8th grade boy and girl who they feel represent overall outstanding academic achievement, community service and extracurricular activities. Today, it gives me great pleasure to recognize the hard work of 28 young achievers and future leaders from the 23rd Ward of Chicago.

St. Jane De Chantal School: Nora Krause and Christopher Paluch; Our Lady of Snows School: Amanda Hartman and Jeffrey Mikula; St. Camillus School: Amanda Kumpel and Kevin Jasionowski; St. Bruno School: David Szwajnos; St. Rene Elementary School: Anthony Garcia and Catherine O'Connell; St. Daniel the Prophet School: Deanna Maida and Paul Bruton; and St. Richards School: Monika Dlugopolski and Christopher Dyrdak

Gloria Dei School: Faith Krasowski and Jeremiah Jurevis; Hale Elementary School: Emily Fisher and Xavier Hernandez; Peck Elementary School: Maribel Pantoja and Anthony Naranjo; Dore Elementary School: Robert Bradel and Jennifer Collins; Kinzie Elementary School: Victoria Okrzesik and Patrick Forbes; Byrne Elementary School: Jennifer Turner and Ryan Nabor; and Twain Elementary School: Sebastian Gawenda.

TAKING YOUR KIDS TO VOTE DAY

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mrs. MORELLA. Mr. Speaker, today I introduce a piece of legislation that will designate November 7, 2000 as National Take Your Kids to Vote Day.

Since 1972, voter participation in national elections has dropped dramatically. In 1972, nearly two-thirds of eligible adults cast their ballots. In 1996, the last Presidential election, less than half of all eligible voters (43 percent) exercised their right to vote. Even more disturbing, however, is the drop-off in voter participation rates among younger adults, ages 18-24. Since the 1972 election there has been nearly a 20-percentage point decline, with only 32 percent going to the polls in 1996.

If we are going to turn this trend around, we have to start with our children. Parents need to talk to their children about the importance of voting. In fact, parents, if they have the opportunity, should take their children to the polls on Election Day.

Studies indicate that young people whose parents vote in every election are twice as likely to vote as those whose parents vote infrequently or not at all. And it's even more important for parents to talk to their children about the value of voting and democracy. Children whose parents talk to them about government and politics are far more likely to vote when they become adults. Kids Voting USA, a nonprofit organization that has been working to involve youth in the election process for nearly a decade now says that "Taking your child to the polls is one of the most important things you can do as a citizen and parent.

This is something that all of us—Democrats, Republicans, and Independents—should agree upon. Democracy is too important to waste. I urge my colleagues to support this legislation and help make voting a family tradition.

SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000

SPEECH OF
HON. MARY BONO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mrs. BONO. Mr. Speaker, I rise today in support of my legislation, H.R. 3676, the Santa Rosa and San Jacinto Mountains National Monument Act.

Congress has an opportunity to enact legislation which was originated by the constituents of California's 44th Congressional District. When these residents came to see me and expressed their desire that I introduce legislation to designate our local mountains a National Monument, I decided it was an idea worth pursuing.

For years, my family has enjoyed these scenic wonders and recreational opportunities that are abundant in this remarkable range. I have often asked the canyon walls of our home in Palm Springs, sharing with my children, Chiana and Chesare, the beauty of an ecosystem that continues to thrive despite its close proximity to a highly urbanized community. I have developed a profound respect for the people who, over the past century, have served as stewards of these lands. They have done a remarkable job in balancing the preservation of these mountains with the inevitable development that has occurred in Southern California.

It is appropriate that we also recall the original inhabitants of this land, the Cahuilla people. For centuries, the Agua Caliente Band of Cahuilla Indians made the canyons and hills above Palm Springs their home. And the Cahuilla people roamed throughout the desert and mountains of this entire region living in harmony with this unique environment. Their culture and heritage is an integral part of the history of this region. And even today, the Indian Canyons near Palm Springs offer a welcome respite from the hectic pace of the urban areas of the Coachella Valley.

One of the tangible benefits that will be derived from this Monument designation is the preservation of tribal lands and historic artifacts. The Agua Caliente Tribe has been a partner in this process from the start, and I want to thank the Tribal Council and all the Cahuilla people for their support of this legislation.

In crafting this bill, I was confronted with a challenge to balance traditional uses and private property rights that the people of the region enjoy with the need to preserve these mountain vistas.

The intention of H.R. 3676 is not to diminish the decision-making authority of Local Government (City, County, Water District, School District, etc.) over land use decisions on private property located next to or inside the boundary of the proposed Santa Rosa and San Jacinto National Monument.

The bill provides that "nothing in the legislation shall be construed as affecting any private property rights within the boundaries of the National Monument." Therefore, if a local City or County has a General Plan or zoning ordinance that restricts use of property within the Monument boundary, for urban land uses such as hotel, resort, golf course or residential uses, then the legislative intent of Local Government shall not be changed, modified or impeded solely by this Federal Law.

H.R. 3676 has eliminated the concept of buffer zones or protective perimeters around the boundary of the proposed National Monument. This elimination of buffer zones is designed to protect private lands located both on the outside and inside of Monument boundaries. The intent is to protect private land nearby and within the boundary from any form of Federal Monument regulation by this Congress or the Federal Administration. The right
to use private land by private land owners is paramount in H.R. 3676.

This bill’s intent would not allow any federal administrative agency the existence of this proposed Monument to exact mitigation, money or other land use restrictions on private lands, privately. The regulation of land use and authority over private lands inside or near to the Monument boundaries is solely vested in Local Government and is totally outside the purview of this bill.

In addition, I would like to emphasize that no existing Federal Law or Federal Agency governing air quality, water quality or any other regulated resource shall seek to regulate or affect local land use control over private land near to or inside the Monument with any reference to a negative impact on this proposed National Monument by virtue of impacts on the above mentioned regulated resources.

So, we returned to the fundamental concept of how our system of government should work. I went directly to the people of the 44th district and sought their participation and input on how best to draft legislation that would reflect both to both environmental preservation and private property rights protection. The result of their efforts is contained in the bill before you today.

Mr. Speaker, the best way our constituents can be heard on matters such as these is if Congress administers this action. With all due respect to those who serve in Washington, the people who live in this area know better than any federal worker how to resolve these issues. Therefore, it was encouraging that early on, the Secretary of the Interior took a personal interest in this effort and publicly supported the Congressional process as the preferred vehicle for this designation. I thank the Secretary and Bureau of Land Management offices out of Washington, Sacramento and Palm Springs for working with me on this issue.

With this bill, we are able to protect private property rights with strong buffer zone language, willing seller provisions and clearly worded access language. And we are able to further protect these mountains by prohibiting future grazing, motorized vehicle use and controlling cattle grazing.

I have said many times that I would not go forth with a bill which does not protect the rights of those individuals who live within the proposed boundary lines and those who live right at the foot of the mountains. This bill strikes an appropriate balance by protecting the rights of affected constituents as well as these unique mountains. I wish to thank Chairman HANSEN and his able staff, Allen Freemyer and Tod Hull, for assisting me in this process so that I could achieve this balance.

In addition, I would like to thank the Coachella Valley Mountains Conservancy under the direction of Bill Havert, the Desert Chapter of the Building Industry Association and its Executive Director Ed Kibbey and the local branch of the Sierra Club and its head, Joan Taylor.

Too often, environmentalists and private property rights advocates are at odds with one another. In my heart, I believe that we can work to achieve the goals of each group for the betterment of all. It may be the more difficult course to choose, but one well worth taking. So, I would also like to thank my many colleagues, my Legislative Director, Linda Valter and the rest of my staff who have helped me along this way.

Mr. Speaker, as a child, my parents drove our family all over this wonderful country, visiting National Parks and awe inspiring lands throughout the West. Now, my constituents have given me the opportunity to do something that will allow future families the same privilege. I hope you will all join me to achieve this worthy goal.

OCEANS ACT OF 2000

SPEECH OF
HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 2000

Ms. ESHOO. Mr. Speaker, I rise in support of S. 2327, The Oceans Act of 2000. This important bill pays tribute to and increases support for one of the most important environmental resources we have—our oceans.

This bill would establish a 16-member Commission on Ocean Policy to review existing federal ocean policies and make recommendations to Congress on a new, coordinated, comprehensive policy.

The oceans play a vital role in the daily lives of millions of Americans. Not only do we go to the ocean for recreation but we also depend upon the resources for our survival. Coastal communities like those in my congressional district, use the ocean for fishing, tourism, and business, among other things. Our oceans also play an important role in the ecological system by providing habitat for numerous species of fish and other marine life. In addition, many other environmental threats such as global warming, flooding, water pollution, endangered species survival, and coral reefs existence.

The coasts and oceans have seen a flood of new development and population migration over the past few decades. In fact, approximately 50 percent of the United States population now live in coastal areas. This will only increase in the future with estimates expecting 75 percent of our population to live in coastal areas by 2025.

We need to ensure that we have a coordinated policy to deal with the pressures our oceans and coastal areas face. Our last effort to update our national policies on oceans was the Commission on Marine Science, Engineering, and Resources—known as the Stratton Commission—in 1969. I’m pleased that many of the Commission’s recommendations are now the law of the land, but it has been far too long since we last updated our ocean policies.

State and local jurisdictions have enacted numerous laws and policies to deal with the environmental problems that have occurred in our oceans and coastal communities. This has resulted in overlapping and conflicting rules between the federal and state levels. The bill we consider today will help alleviate the problem by bringing ocean policy into the 21st Century by creating new coordinated and comprehensive policies.

I’m proud to be a co-sponsor of the House version of The Ocean Act of 2000 that my good friend from California, Mr. Farr, introduced. His work on this issue has inspired me and has done a great deal to ensure that our oceans are taken care of.

I urge all of my colleagues to support this important bill today and I thank the leadership for bringing it before the House for consideration.

TRIBUTE TO THE GREATER NEW HOPE MISSIONARY BAPTIST CHURCH

HON. NICK LAMPSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. LAMPSON. Mr. Speaker, today I recognize the Greater New Hope Missionary Baptist Church as it hosts the inaugural session of the American Baptist General Convention of Texas Congress of Christian Workers & State Youth Convention. I want to congratulate Pastor William H. King, III who’s leadership touches his congregation and the community in so many ways. I would also like to welcome Pastor Adrian Johnson, president of the convention, along with the young people attending to the city of Dickinson.

Today’s youth are growing up in a world very different from the one I lived in many years ago. We live in an age where most families require two incomes to make ends meet, and nearly half of all marriages end in divorce. Our children simply do not have as much supervision or guidance as we did. Add to that, the dangers of drugs and the prevalence of gangs and violence in our schools—as any parent knows, it is not an easy time to raise a family or to be a student.

My father died when I was a young boy, leaving my mother to care for me and my brothers and sister. She couldn’t have done it alone. In those days, neighbors looked out for each other and watched out for each other’s kids. Our family received support from the entire community. In fact, our friends and neighbors considered us an extension of their own families. That’s an important reason why my siblings and I were able to achieve our goals and live the American Dream.

Mr. Speaker, now more than ever, our schools, churches, synagogues, mosques, and temples need to stand together with our families to set an example for our children. Our kids face a future and we must invest as much time and energy into their well-being as possible. I offer my sincere congratulations to the Greater Hope Missionary Baptist Church and all of the conventioneer as they come together next week in spirit and in faith to learn and grow with one another.

IN HONOR OF THE 10TH CONGRESSIONAL DISTRICT YOUTH CONGRESS

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the 10th Congressional District Youth Congress, whose work on school violence is an inspiring vision of the potential for peace in the human spirit. The tireless work of these students stands as a testament to the ability of youth to lay the foundation for long lasting peace in our schools and communities.
The 10th Congressional District Youth Congress convened in 1998 to work on advancing democratic principles by involving youth in activities to improve their schools and communities. Providing an open forum for discussion, the Youth Congress brings students together to establish themselves as a strong voice in community affairs.

A student run organization, the Youth Congress is an advocate for parent and community participation in shaping students to reach their maximum potential. The Youth Congress endeavors to embrace and promote all forms of diversity, race, religion, gender, and sexual orientation, and works to bring understanding and acceptance to every aspect of local schools and communities. The students work to achieve these goals through promoting nonviolent organizing principles, and encouraging their schools to actively embrace peace.

Concerned about the overwhelming presence of violence in their schools and a growing intolerance for diversity, the Youth Congress conducted a year-long study of all aspects of diversity, including peaceful resolutions. The students assembled a district-wide coalition of public officials, police forces, school administrators, teachers and parents, to form a network of experience, expertise, and idea exchange. Drawing on this wealth of knowledge, the Youth Congress drafted a resolution to encourage and inspire action by their school administrators and the government officials.

The action points of the resolution are as follows:

1. Review the role of uniformed and non-uniformed police officers as well as security staff. Promote the role of police and security as facilitators or models of effective conflict resolution. Police officials should be resources to encourage students and staff to respect differences, as well as being informed liaisons with youth- and family-serving organizations in the community.

2. Work to reduce class size to create an atmosphere conducive to appropriate learning and one that is less prone to create conflict. Provide access to mental health services, through creative partnerships with community-based health and mental health providers. Establish the presence in all schools of a full range of mental health services for students and staff. Special emphasis should be placed on early childhood assessment and mental health counseling for all students and families, and establishing strong links with community social service agencies.

3. Pass reasonable and uniform gun control laws within our cities, including registration and safety lock laws.

4. Study the impact of a culture that among other things, has sold violence as entertainment and promotes insensitivity to human suffering. Encourage print and electronic news media to balance their coverage of tragedy, terror, death and disaster with attention to the aspects of human existence that ennoble, enrich and empower students, families and communities and in doing so begin to tell new stories about all of us.

5. The students and youth of the Cleveland area will play a significant role in replacing our culture of violence with a culture of peace. The model they set forth this day can be used as a model in cities all across our nation.

My fellow colleagues, please join me in honoring the work of the 10th Congressional District Youth Congress. The students continue to lead the way in establishing long-lasting peace in our schools and communities.

HON. GEORGE MILLER OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Thursday, July 27, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, the murder in Washington, D.C. of Orlando Letelier and his assistant Roni Karpen Moffit by the Chilean intelligence agency (DINA) has been a point of contention for the Chilean and United States governments since it occurred in September of 1976. Letelier was an important figure in the democratically elected government of President Salvador Allende and he came to this country after being imprisoned and tortured in Chile. He was released from the Pinochet dictatorship from the position he had held, Chile's ambassador to the U.S. There is compelling evidence that Gen. Pinochet ordered his assassination. Moffit died because she happened to be driving in the car with him when he was killed.

Now that Pinochet has had his immunity revoked, the Chilean government is one that is less prone to create conflict. vessels and Negativa have possibly implicated Pinochet in the murders, but until now, Pinochet has been able to hide behind his immunity clause that he himself implemented in 1980. This is not the first time a Chilean judge to forty-two subpoenaed people. John Dingels, a journalist and author who obtained a secret memo from a Chilean source, claims that an affidavit exists attesting to the existence of an order from Pinochet to Espinoza to murder Letelier. Compounding this testimony, it is a fact that the Pinochet government revoked Letelier's Chilean citizenship only ten days before his assassination in a response to growing outcries by Letelier against Chile's atrocious human rights policy. "It's important to me about the stripping of his citizenship was the timing of it—just 10 days before the assassination," said E. Lawrence Barcela Jr., a former federal prosecutor who won two other cases against Chileans involved in the murder of Letelier. "It clearly shows that the efforts of Letelier was making to bring pressure on Chile were working. He was getting under the junta's skin."

After his imprisonment in the United States, the Chilean government sentenced Contreras in 1995 to 30 years in prison. Since it is highly doubtful that Contreras was acting without the President's approval,
this conviction strengthens the case against Pinochet. In fact, in Contreras’s 1997 affidavit, he stated that no DINA missions were ever undertaken without prior consent from Pinochet.

U.S. DOMESTIC PRESSURE IS APPLIED
Adding to the domestic political pressure in the U.S., on May 26 California Congressmen George Miller and thirty-four other Congressmen sent a letter to President Clinton to insist that the U.S. continue to press the Chilean government for greater assistance in carrying out the investigation of Pinochet’s complicity. They labeled the Letelier case the worst incident of terrorism committed by a foreign government on U.S. soil and the letter requested the president to focus on discussing the investigation in his meeting with Chilean President Ricardo Lagos in Berlin on June 2. It also called for the possible extradition of Pinochet to the United States if the evidence continues to point toward a significant connection between the former Chilean dictator and Letelier’s murder.

The extradition of Pinochet may be unlikely due to his advanced age and ailing health, but many members of Congress and others still are calling for a trial and a conviction to reinforce the principle that the U.S. will not tolerate terrorism on its soil. The Letelier case represents the effort to demonstrate that no one is above the law, not even a former dictator and self-proclaimed president.

INTRODUCTION OF THE ISRAEL DIPLOMATIC RELATIONS ACT

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. CROWLEY. Mr. Speaker, today, I am introducing legislation, along with Congresswoman NITA LOWEY, in an effort to correct a grave injustice being committed against our friend and ally in the Middle East—Israel.

Many of my colleagues may not be aware that a number of nations have not established full diplomatic relations with Israel. Israel currently maintains diplomatic relations with 162 countries. Approximately 25 countries do not have any diplomatic relations with Israel at all. Another 4 countries have only limited relations.

In order for Israel to be a full member of the world community, she must establish diplomatic relations. The Israeli Embassy tells me that Israel is actively seeking to establish and upgrade their relations with several countries. This has proven difficult with many of the Islamic nations, such as Pakistan and Indonesia.

In 1994, Representative Lee Hamilton had language included in the State Department Foreign Relations FY94–95 Authorization bill that stated the Secretary of State should make the issue of Israel’s diplomatic relations a priority and urge countries that receive U.S. assistance to establish full diplomatic relations with Israel.

Unfortunately, despite this provision, the U.S. government has not made this issue a priority.

At the beginning of this year, during an International Relations Committee hearing, I asked Secretary of State Madeleine Albright about Israel’s diplomatic relations with countries receiving U.S. assistance. The Secretary replied that she considers Israel’s relations with the world community and other nations essential to peace and stability and has been actively encouraging countries, such as Indonesia, to establish full relations with Israel. I could not agree more. I believe the U.S. should be doing everything possible to help Israel establish these relations. In fact, Congresswoman LOWEY and I are working together to include a provision in the Report to the FY 2001 Foreign Operations Appropriations bill that urges Israel’s Arab neighbors to establish full diplomatic relations with Israel.

However, more needs to be done. That is why Congresswoman LOWEY and I are introducing the “Israel Diplomatic Relations Act,” to help promote Israel’s role in the international community.

Our legislation spells out clearly the importance of Israel’s status in the international community and the need for Israel to receive the recognition she deserves. It also requires an annual report to Congress by the U.S. Department of State on government activities to help promote Israel’s diplomatic relations in the world community.

This report is of critical importance because it will require our embassies to focus attention on Israel’s diplomatic relations.

I urge my colleagues to help us promote peace and stability in the Middle East by supporting and cosponsoring this critical legislation.

HONORING NORM ANTIMETTI

HON. GARY A. CONDIT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. CONDIT. Mr. Speaker, today I honor a very special person, Mr. Norm Antinetti as he enters into a well-deserved retirement after 40 years of dedicated service to Oakdale High School.

Norm’s list of accomplishments is impressive. He has the distinction of holding the longest tenure in the history of Oakdale High. During that career he coached football, baseball and the love of his life, basketball.

There’s a saying in Oakdale, Mr. Speaker: If you grew up in Oakdale and played basketball, you know Norm. He’s as much a fixture on the court as his red Oakdale Mustangs baseball cap or jacket is on him.

As a coach, he guided teams to four Valley Oak League championships and won four other major tournament championships. He coached the Kiwanis Large Schools South All-Star basketball team twice and started Oakdale’s 30-year-old Rotary Holiday Classic Basketball Tournament.

He’s been named the California Inter-scholastic Federation—San Joaquin Athletic Director of the Year, Stanislaus District Coach of the Year, Valley Oak League Varsity Coach of the Year and Fellowship of Christian Athletes Coach of the Year to name only a few of his accolades.

It is rare that we are able to recognize such a selfless person. He is a fitting example of what is right about getting involved with our young people and being a positive role model for them.

I consider it a privilege to call him friend and am very proud to ask my colleagues to join me in honoring Norm Antinetti.

HONORING MINNIE ELIZABETH SAPP

HON. VAN HILLEARY
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. HILLEARY. Mr. Speaker, it is with great joy that today I honor Minnie Elizabeth Sapp, who recently celebrated her one-hundredth birthday. Mrs. Sapp had the rare fortune of seeing a complete century unfold. It was on July 12, 1900 that Mrs. Sapp was born— in the log house built by her grandfather, James Waymon Mitchell, on Lost Creek in White County, and it was on July 12, 2000 that we celebrated her one-hundredth birthday.

On Christmas Day in 1921, Mrs. Sapp married Homer Floyd Sapp in the same room in the log house where she was born. The couple traveled by buggy to Homer’s father’s home, at what is now Pim Rock Mesa at Bon Air. Six years later they moved to a forty-acre farm on Corolla Road.

The couple had seven children. The two boys died as infants, and sadly one daughter, Helen, passed away at 14. The other four daughters survived: Josephine, Norma, Evelyn, and Betty. Although her husband Homer died in 1980, Mrs. Sapp continues to live at the farm that the couple moved to 73 years ago.

In 1993, Mrs. Sapp wrote her personal memoirs, and among her memories are recollections of lighting the house with coal lamps and making lye and soap. The United States has changed much since the days of her childhood, but her memories of quilting, walking barefoot to free school and later attending boarding school at Pleasant Hill Academy, carrying water from the spring, and keeping the fire going year round have shaped a strong, loving woman who is devoted to her family and friends.

Two weeks ago I had the honor of attending Mrs. Sapp’s birthday celebration, and on the 16th of July the Bon Air United Methodist Church honored her with a service, singing, and presentation of a plaque. The family and friends who surround her serve as a testament to the impact this amazing woman has on all who meet her.

Truly, Minnie Elizabeth Sapp is a blessing to her community. Mrs. Sapp’s devotion to family and religion has seen her through 100 years, and I am confident that it is her love of life which will fill every day that is to come. That is why it is in the spirit of all who know and love her that I wish to congratulate Mrs. Sapp on her one-hundredth birthday celebration.

IN RECOGNITION OF THE CONTRIBUTIONS MADE BY FRANK PUCKETT

HON. CHARLES W. STENHOLM
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. STENHOLM. Mr. Speaker, today I draw my colleagues’ attention to the years of service that Mr. Frank Puckett has provided to the
Mr. Speaker, it is appropriate at this time to pay tribute to the lives of LT. CMDR. GARETH RIETZ and LT. RAYMOND O‘HARE.

HON. STENY H. HOYER
OF MARYLAND

In the House of Representatives
Thursday, July 27, 2000

Mr. HOYER. Mr. Speaker, today I recognize the unfortunate deaths of two Navy test pilots at the Patuxent River Naval Air Station on July 11, 2000. Lt. Cmdr. Gareth Rietz, 33, and Lt. Raymond O‘Hare, 33, lost their lives while training to become test pilots at the prestigious Naval Test Pilot School. The students were flying on a familiarization flight aimed at refreshing their flying proficiencies following a short break. Both seniors, they were experienced aviators and were scheduled to graduate in December 2000.

Commander Bob Stoney, the Naval Test Pilot School’s Commanding Officer, in an interview with the Washington Post following the incident, commented, “What they would have wanted us to do is get back on our horses and ride. “ Theirs are safety and legal investigations under way, but life is returning to normal as a new class is beginning its training.

Gareth Rietz, a native of Washington State, was the cheerleader for everybody, the coach, the quarterback,” Stoney said. A graduate of Washington State University, he leaves his wife and three children. Before he died, he had been selected for the grade of Lieutenant Commander.

Their untimely deaths should prompt us all to take a moment to reflect on the sacrifices that they and thousands of others have made to keep this Nation safe and free. We should also take this time to re-evaluate the benefits for our troops and their families. It is easy for us to take the military for granted in this time of relative peace and prosperity. But the crash at Pax River should remind us that what our military does each and every day is still dangerous.

Mr. Speaker, I ask my colleagues in the House to join me in expressing our sincere condolences to the families of these two proud Americans who have sacrificed their lives for their Country. We should all pause to reflect on the loss of these two distinguished individuals who were being trained as test pilots, an occupation that directly benefits the safety and performance abilities of aircraft weapons systems. I also would ask my colleagues to join me in recognizing the men and women who are left behind at the Test Pilot School to carry on the proud mission of this small elite program which has produced so many American heroes, both the famous, including John Glenn, and the unsung heroes who quietly dedicate their careers to pushing the technology envelope for aviation systems.

**THE HOUSING FINANCE REGULATORY IMPROVEMENT ACT**

HON. PAUL RYAN
OF WISCONSIN

In the House of Representatives
Thursday, July 27, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, H.R. 3703, the Housing Finance Regulatory Improvement Act, if enacted, would enhance the regulatory structure of the housing GSEs—Fannie Mae, Freddie Mac, and the Federal Home Loan Banks (FHLBanks). While I do not agree with every proposal under the bill, I support advancing a constructive dialogue between Congress, the housing GSE’s, their regulators and all industries involved. Continued work is needed to guarantee GSE mission compliance to forestall unfair competition into non-mission related products, as well as to ensure GSE safety and soundness to limit taxpayer liability.

Currently, the housing GSEs are under good management and are in sound operating condition. That is why it is important to examine the systemic risk that these entities may pose to our financial system at the present time.

Overall, I believe that the duties of the housing GSE’s are somewhat divergent. On one hand, they have a mission to homebuyers to maintain liquidity in the housing markets and to stabilize mortgage rates. On the other hand, they are publicly traded companies that must return a profit to their shareholders. The means for a high shareholder return is manipulation of the GSE’s implicit government subsidy, and there is a fine line between how much of the subsidy’s benefits should be returned to homebuyers. Fund how much should be passed on to shareholders.

Regardless, the GSEs have played an important role in bringing together homebuyers, lenders and capital from across the country and reducing mortgage rates. Again, while I do not support all provisions of H.R. 3703, I believe it is a constructive discussion. Introduction of this legislation has been a catalyst for serious discussion over the housing GSE’s mission and the implications of financial fail-
Past and present members of the U.S. Armed Forces deserve to have our full and continued support and we should not wait for another tragedy like the one at Pax River, to remind ourselves that our troops are in danger on a daily basis, whether in harm's way or preparing to go into conflict. The men and women of our armed services are defending this nation so that we may go about our daily lives feeling safe and protected. I look forward to continuing to work with my colleagues in the Congress to ensure that we provide them with the latest and best weapons systems available and that we continue to recognize their hard work and honor the sacrifices they make on a daily basis.

**ON BEHALF OF LORI BERENSON**

**HON. JOHN JOSEPH MOAKLEY**  
OF MASSACHUSETTS  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, July 27, 2000

Mr. MOAKLEY. Mr. Speaker, today I call for action on behalf of Lori Berenson. Tomorrow, Peruvian President Fujimori will be inaugurated for another term and President Clinton will most likely congratulate him and wish him success. But what our President should be doing is raising the issue of Lori's release. And our diplomats should be working on it every minute of every day.

This is an American citizen, Mr. Speaker— one of our own. As a result of a conviction by a secret military tribunal, Lori has jailed in a Peruvian jail for more than 4 years now, and has endured severe health effects as a result. Throughout this ordeal, Lori has maintained her absolute innocence. Numerous international human rights organizations, the United Nations, and the Organization of American States have all called for her release and pointed to widespread corruption in the Peruvian courts. But still, the United States has not taken the action necessary to obtain Lori's release.

Mr. Speaker, our nation has an excellent working relationship with the government of Peru. We cooperate on a wide range of issues together. The release of Lori should be one of those issues that is important to our nation. This is the time we must use the influence we've gained in Peru. It is time that President Clinton demands Lori's release at the highest levels it is time this nation stands up for Lori—it is time for Lori Berenson to come home.

**THE HOME OWNERSHIP TAX CREDIT ACT: MAKING THE AMERICAN DREAM A REALITY FOR ALL AMERICANS**

**HON. LUCILLE ROYBAL-ALLARD**  
OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, July 27, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, today, I am introducing the Home Ownership Tax Credit Act (HOTCA). This bill will help address a crisis in home ownership among low-income Americans.

The booming economy has helped boost the national home ownership rate to a record high level. However, home ownership among low-income households, minorities, women and families living in rural areas still lags behind. Although the national average of home ownership is 67%, only 45% of low-income families own their homes.

While present Federal policy promotes home ownership for higher income families by allowing taxpayers to deduct mortgage interest and real estate taxes, it does little to help low-income families achieve home ownership. The deductions of mortgage interest and real estate taxes benefit almost exclusively middle and upper-income Americans. In fact, only 10% of these tax benefits go to home owners who make less than $40,000 a year. Rental assistance is available for poor families through a variety of federal subsidies (primarily HUD's Section 8 program), but there's little help for low to middle income families who want to make the transition from renters to home owners.

This legislation will lend a hand to our hard-working families so that they too can achieve home ownership. By leveraging private resources and without creating new programs or bureaucracies, this bill will help hundreds of thousand of families finally realize the American dream of homeownership.

This tax credit tackles the two leading obstacles of home ownership: affordability and lender risk. First, many low income families simply cannot afford the monthly mortgage payments and initial downpayment for even a modest home in their area. The home owning tax credit addresses this "wealth hurdle" by offering interest-free second mortgages to the low-income buyer. This is critical because this second mortgage will reduce the buyer's down payment and monthly mortgage costs by as much as 30%.

Second, lenders are often reluctant to make so-called "risky" loans due to fear of foreclosure and loss. By lowering the loan amount needed for the first mortgage, the home ownership tax credit reduces the risk for the lender.

Similar programs implemented in North Carolina and New York have already proven successful in increasing homeownership for low-income families and jump-starting formerly distressed neighborhoods. It's time we take this program nation-wide and help families throughout the country achieve the American dream of owning their own home.

I urge my colleagues to join me and co-sponsor the Home Ownership Tax Credit Act.

**TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001**

**SPEECH OF**  
**HON. DENNIS MOORE**  
OF KANSAS  
IN THE HOUSE OF REPRESENTATIVES  
Thursday, July 20, 2000

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 4871, the FY 2001 treasury-portfolio appropriations bill. I am pleased that the committee reported an appropriations bill that strongly supports law enforcement efforts in this country. Fully funding the administration's gun-law-enforcement initiatives, including a proposal to add 600 employees to the agency to more fully enforce existing gun laws, suggests that this Congress is finally getting serious about the scourge of gun crimes that have plagued this nation.

I hope this is a sign of more to come in promoting public safety and preventing these senseless crimes by approving legislation on juvenile justice which has languished in a conference committee for over a year.

This bill also contains a provision that I strongly support which would roll back the 0.5% surcharge on federal employee retirement contributions. This increase was mandated by the 1997 balanced budget law and has disproportionately affected federal employees by taxing more of their gross income for retirement than the private sector counter-parts contribute.

Just yesterday, the CBO announced that we will run in FY 2001 a surplus of over $100 billion. Mr. Speaker, the budget is balanced: it is time to stop funding surpluses at the expense of our hard working federal employees.

While I support many of the priorities in this bill and commend the committee on a job well done in allocating finite resources, I remain concerned about one provision in this bill that suggest this Congress is not serious about holding the line on spending.

Mr. Chairman, about a decade ago, through legislative slight of hand, Congress passed a law to allow for the automatic annual increase in Members' salaries. This was a politically motivated move to shield Congress from casting embarrassing votes to increase their own pay. While we were technically afforded the opportunity to vote against an increase by casting a no vote on a procedural issue, the fact remains that by voting in support of this legislation, we will be voting for our own pay raises.

This will be a vote that comes at the expense of other mandates an earlier Congress created. Two years ago the House voted overwhelmingly for the IRS Reform and Restructuring Act which followed recommendations of a commission that studied the IRS and stated that IRS budgets "should receive stable funding for the next three years so that the leaders can . . . . improve taxpayer service and compliance."

Mr. Chairman, this bill, contrary to the recommendations of a bipartisan commission and contrary to the will of this House, cuts $465 million from the administration's request. If this Congress is serious about holding the line on spending, we would not hold our other priorities hostage to our desires of a larger pay-check.

I will be voting against this bill and I will be voting against a pay increase—I urge my colleagues to put their money where their mouth is and reject final passage of this legislation.
Mr. GOODLING. Mr. Speaker, I rise today in support of H.R. 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000. The legislation would improve service systems for individuals with disabilities, including state developmental disability councils that assist individuals with disabilities, protection and advocacy systems for individuals with disabilities, and university affiliated programs for research and public service programs. I am pleased to see that others here in Congress are taking up this fight, particularly Rep. Rick LAZIO, the sponsor of this legislation we are now considering.

Rep. LAZIO has done an outstanding job of bringing the need for this legislation to the attention of Members. Under his leadership, H.R. 4920 has been drafted to provide high-quality services for individuals with disabilities. Mr. LAZIO’s bill builds upon the programs in current law to create a well-rounded approach toward assisting individuals with disabilities.

I also find it very appropriate that we consider this legislation on the 10th anniversary of the Americans with Disabilities Act. In its ten years, the ADA has done much to improve the lives of individuals with disabilities. The ADA has helped move individuals into the mainstream of American life. The Committee I chair has jurisdiction over several laws that provide assistance and protections for individuals with disabilities, including the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act (ADA). Throughout my time in Congress, I have consistently fought for improved programs and funding for individuals with disabilities.

I am particularly pleased with the increases in funding for IDEA that we have seen over the past five years, although we still have a long way to go.

I am pleased to support this bill.

THE REGISTER GUARD

HON. PETER A. DeFAZIO
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. DeFAZIO. Mr. Speaker, I submit for the CONGRESSIONAL RECORD, an Opinion Editorial written by a very impressive citizen, former Congressman Jim Weaver. In the article, printed in the Register Guard, Wednesday, July 26, 2000, Weaver discusses his encounters with Governor Bush’s newly appointed running-mate, Dick Cheney. I recommend Jim Weaver’s well-crafted, thought-provoking article to my colleagues for its interesting and important insights.

Cheney Has Shown He’s Soft in Nature, but Tough on Issues

(By Jim Weaver)

Dick Cheney and I were members of the House Committee on the Interior in the 1970s and 1990s. We sat opposite each other on the upper tier of the committee bench, he on the Republican side, and I on the Democratic side.

Cheney was always cordial, even gentle in demeanor, willing to discuss any matter and listen to other views. I grew to like him and conferred with him often.

While writing a bill on the U.S. House of Representatives, he discovered that an ancestor of mine, James B. Weaver, had conducted a filibuster in the House in 1888 on the Okla-Matan-Harris Water Bill. As I, too, had filibustered a bill, he told me the story. I appreciated his personal consideration.

So it always surprised me that when decisions were actually made in the committee, Cheney was hard as steel, and uncompromising on the hard-fought issues over forest preservation, revision of the 1872 mining act, grazing on public lands and nuclear power. He was three or four places down from the ranking Republican on the committee, but there was little question as to who controlled the Republican side—Dick Cheney. This very strong, highly intelligent, determined man kept the Republicans unanimous against any environmental incursions the Democrats attempted.

The chairman of the committee at that time was Mo Udall of Arizona. He went over backward to conduct the committee fairly and to give everyone every parliamentary opportunity. His reward, offered by Cheney and his cohorts, was constantly and vehemently to accuse him and the Democrats of tyranny and railroad our bills. I only wish we had done so.

After the accident at the Three Mile Island nuclear plant in 1979, a House committee was chosen to conduct an investigation. I was named chairman and Cheney vice chairman. It was an intensive inquiry and resulted in many revelations. Cheney was an admirable person to work with. Conscientious and penetrating, Cheney helped make the inquiry the best of the presidential, Senate and House investigations.

But when the committee reported its findings, Cheney wrote a minority report to accompany my majority report.

My report blamed the accident on the extreme technological complications of nuclear power while Cheney, as did the other reports, blamed “human error.” Cheney concluded with the statement that the accident would take a year and $60 million to repair. My report predicted 10 years and $1 billion dollars. Ten years later and more than a billion dollars spent, they were still cleaning up the last remnants.

I think Cheney would make an outstanding Republican vice president; actually, an outstanding Republican president. If I were a dyed-in-the-wool Republican, I could not find a better person to vote for. But I am not a Republican.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. JENKINS. Mr. Speaker, on rolloca No. 439, on motion to suspend the rules and pass, as amended, Bulletproof Vest Partnership Grant Act, had I been present, I would have voted “yea”; on rolca No. 440, on motion to suspend the rules and pass Illegal Pornography and Prosecution Act, had I been present, I would have voted “yea”; on rolca No. 441, on passage disapproving the exten-
The number of Republicans who have changed their mind about AmeriCorps continues to grow.

In the last years, Sens. John McCain (R-Ariz.) and Sen. Richard Lugar (R-Ohio) and Rep. John Kasich (R-Ohio) have spoken out about the positive role AmeriCorps plays in strengthening the civic sector. Together, we join a growing list of present and former federal and state legislators, governors and civic leaders in support of AmeriCorps.

The support is part of a quiet, yet remarkable, transformation in American politics that has occurred since the white-hot debate that took place a few years ago between President George W. Bush and his predecessor George W. Bush called for a "thousand points of light" in his inaugural address and there was "nothing that should take the lead in solving community problems and those who thought government could accomplish little or nothing, and was even likely to be a negative force.

Now, as evidenced by both major party presidential candidates and by growing bipartisan support in Congress, a new middle ground has emerged, leading to a unique partnership between AmeriCorps, the nonprofit organizations and private and religious institutions that are critical to strengthening communities. It is these institutions that transmit values between generations that encourage cooperation between citizens, and make our communities stronger.

In a recent speech to the nation's governors, retired Gen. Colin Powell declared himself a "veteran of AmeriCorps." After spending two years working with the organization Powell concluded, "[W]hat they do in terms of leveraging other individuals to volunteer is really incredible. So it is a tremendous investment in young people, a tremendous investment in the future...."

Later this month, a bipartisan coalition in the Senate introduced legislation to authorize AmeriCorps and its parent agency, the Corporation for National Service. I hope that Congress will move quickly to enact this legislation so that AmeriCorps can continue to work with the nonprofit and faith-based sectors to strengthen our communities and build a better future for all.

[From The NonProfitTimes, March 2000]

TWO PRESIDENTS: A SHARED LEGACY

By Harris Wofford, CEO, Corporation for National Service and Bob Goodwin, President, Points of Light Foundation

Most people would not think that Presidents George Bush and Bill Clinton have that much in common. But, Presidents Bush and Clinton share an important legacy. By making citizen service a central idea of their presidencies, two great streams of civilian service—AmeriCorps and America's Promise—have combined to be a tremendous investment in young people, a tremendous investment in the future...."

Today, the partisan bickering around service and volunteering has almost disappeared. The battle over whether we ought to have an AmeriCorps program or not is over. It has been decided.

And Colin Powell has said, "It is a tremendous investment in young people, a tremendous investment in the future, and I am a strong supporter of AmeriCorps."

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TO COMMEMORATE THE 150TH ANNIVERSARY OF THE HUNTSVILLE ITEM

HON. JIM TURNER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. TURNER. Mr. Speaker, I have a special opportunity today to honor the Huntsville Item, a fine newspaper in East Texas, which will be celebrating its 150th birthday on August 18.

The Huntsville Item is the second oldest continually published newspaper in the state of Texas. Over the last century and a half, it has reported the everyday challenges facing East Texans, as well as the triumphs and tragedies of our great nation.

The Huntsville Item began publication in Huntsville, Texas on August 20, 1850, under the editorship of George Robinson, who was born in Liverpool, England. From 1863-1864, during Robinson's enlistment in the Civil War, the Item was irregularly published due to Robinson's duties and scarce supplies.

A fire destroyed the printing house of the Item on May 4, 1878, and the paper had to be printed several blocks away. But again, six years later, fire struck down the printing house, interrupting the Item's distribution for several weeks while printing was relocated to nearby Willis. Later that year, George's youngest son, Fred, took over management of the paper, moving all its operations back into Huntsville.

For several years early in the twentieth century, the Huntsville Item operated as the Huntsville Post-Item under publisher J.A. Palmer. In 1915, the paper was sold to Ross Woodall, who, along with his wife, published the paper until 1967.

The Item is currently owned by Community Holdings Newspapers, Inc.

The faded headlines of this newspaper tell the story of our nation's history.

Through the Civil War, two World Wars, Korea, Vietnam, the Persian Gulf, and Kosovo, the Item relayed news of brave American soldiers to their parents, siblings, and loved ones. Its newsprint has captured the story of our nation's history.

Holding Newspapers, Inc.

The Item is currently owned by Community Holdings Newspapers, Inc.

The Item has reported the everyday challenges facing East Texans, as well as the triumphs and tragedies of our great nation.

INTRODUCTION OF THE MINGE-HOOLEY COMPREHENSIVE RURAL TELECOMMUNICATIONS ACT

HON. DAVID MINGE
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. MINGE. Mr. Speaker, today I announce the introduction of landmark legislation to help maintain the viability of America's rural economy. I join with my colleague Representative DARLENE HOOLEY and members of the Democratic Rural Task Force in introducing the Comprehensive Rural Telecommunications Act.

Several months ago, I was given the opportunity to chair the Democratic Rural Task Force. This task force was developed with the aim of pursuing initiatives which ensure our rural communities are not left behind in the new millennium. Many factors comprise a robust economy. That is true in an urban, suburban or rural community. It was my job to decide which economic sectors of rural America we could most realistically pursue.

With the advice and input of the telecommunications innovators in my Congressional district, I saw the important need for a strong investment in telecommunications infrastructure to provide for the maintenance and future growth of rural America. The Internet creates great commercial opportunities; therefore, telecommunications infrastructures are more than just a crucial tool of our economic development. However, rural communities are at a real disadvantage when it comes to building these new advanced networks, given their distance from urban centers and low population densities. Telecommunication providers often prefer to deploy advanced telecommunication systems in urban areas, where fixed costs are spread over more customers and volume is greater.

The gentlewoman from Oregon and I set to work on an ambitious proposal that would take a comprehensive approach rather than several fragmented efforts. This collaborative effort led to the three-part Comprehensive Rural Telecommunications Act. Our legislation combines incentives for infrastructure creation along with the educational opportunities needed to ensure a population who can utilize the new infrastructure.

The legislation establishes National Centers for Distance Working which would provide training, referral, and employment-related services and assistance to individuals in rural communities and Indian Tribes to support the use of teleworking in information and high technology fields. These centers would help people in rural areas link up with employers so they could take advantage of new career opportunities if they do not live in areas populated by numerous employers.

To encourage infrastructure creation, the legislation provides a 10% to 15% tax credit on expenditures by companies deploying broadband (1.5 MBPS) or enhanced broadband (10 MBPS) in rural areas. The legislation also authorizes the USDA's Rural Utility Service to provide up to $3 billion in loans or credit extensions to eligible telecommunication carriers providers to finance the deployment of broadband service in rural communities.

A special thanks goes to the esteemed Senators DORGAN, ROCKEFELLER, and WELLSTONE. Much of this legislation is based on individual bills they have previously introduced. I would also like to thank the Chairman of the Democratic Caucus, Representative MARTIN FROST. Mr. Speaker, I request that my House colleagues join with me in supporting and passing the Minge-Hooley Comprehensive Rural Telecommunications Act, which is critical to rural America's future.

FREE SPEECH AND MEDIA IN THE OSCE REGION AFTER 25 YEARS

HON. JOSEPH R. PITTS
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. PITTS. Mr. Speaker, today freedom of the press and media in the OSCE participating States is deteriorating and regressing, largely unnoticed by the peoples of the region. This is happening in Western and Central Europe in much the same way one cooks a frog. Place the frog in cold water and start the fire. As the water heats up, the frog is gradually cooked—having never known he was in danger. This type of political gradualism is a true threat to the peoples and States of Europe.

Recent hearings held by the Helsinki Commission, on which I serve, have noted a number of high profile cases in Eastern Europe showcasing the situation. We have heard of the intense influence and pressure from heavy-handed government authorities who feel the need to control the views and reports of independent journalists. Such actions have been
especially evident in Bosnia, Azerbaijan, and Ukraine. The recent arrest of Vladimir Gusinsky, head of Media Most and an outspoken critic of Russian President Putin, has raised our concern about Russia’s approach to an agenda of free media.

A key OSCE commitment allows for the development and protection of freedom of expression, permitting independent pluralistic media. Three years ago, the OSCE States were concerned enough about the problems in this area that they mandated the creation of the position of Representative on Freedom of the Media. The 25th Anniversary of the Helsinki Final Act marks an appropriate occasion to review the past relations between the OSCE governments and the media, and to review the current situation of free media in the region.

Last year, 11 journalists were killed in the region, with a number of the deaths accompanied by suspicious circumstances. In addition to those killed while reporting the news, many others were arrested under suspicious circumstances and without due process. Radio Free Europe/Radio Liberty reporter Andrei Babitsky’s story is a frightening example of just how serious the situation for reporters has deteriorated in Russia. While covering and reporting on the war in Chechnya, Babitsky was arrested by Russian troops for “participating in an armed formation,” and yet later was traded to Chechen rebels in an exchange, thus being placed in grave danger. Babitsky was later retrieved by Russian forces and subsequently charged with using false papers.

While Babitsky was fortunate to have survived and received international exposure, most other journalists are not so lucky in Russia. In Vladimir Putin’s first “state of the union” speech, he said that he supported a free Russian press, but was angered that media owners could influence the content. That is, while Putin openly declares support for a free media, he chills the media in his next utterance. Likewise, Gusinsky’s arrest has heightened our concern as we see the tightening of the noose on the throat of a free press in Russia.

Actions by governments in Southeastern Europe are also a cause for concern. Turkey and the Balkan States present serious impediments towards promoting and allowing free media. In both situations, threats, harassment, and fines all media that do not follow the official line. Milosevic has seen to the gradual demise of any independent Serbian media, not the least through fines totaling $2.1 million last year. Turkish authorities continue to block free media in key areas, with either the Kurdish issue or criticism of the military most likely to land journalists in jail.

Mr. Speaker, I could continue. Such developments are rife throughout the Caucasus and Central Asia. It is not enough for OSCE States to ardently promote the idea of free speech and media. Collective accountability must be used, along with public diplomacy, if the OSCE is to consist of States that rise to the standard envisioned at Helsinki 25 years ago regarding free speech and media.

RECOGNIZING THE NYSP PROGRAM AT THE UNIVERSITY OF WISCONSIN—EAU CLAIRE

HON. RON KIND
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. KIND. Mr. Speaker, today I recognize a fantastic program that benefits young people throughout the United States and to pay special tribute to the chapter in my congressional district.

Earlier this month, I had the pleasure to spend some time at the National Youth Sports Program (NYSP) on the University of Wisconsin—Eau Claire campus. This is the twentieth year that an NYSP summer camp has operated in the Chippewa Valley region of western Wisconsin, at which disadvantaged youth take part in athletic, math and science activities for five weeks. The sports component of the program emphasizes instruction, competition, physical fitness and lifetime sports. The classroom programs cover nutrition, drug and alcohol awareness, higher education preparation and career discussions in addition to the science and math curriculum.

Of the 180 or so NYSP programs that operate nationwide each summer, the University of Wisconsin—Eau Claire camp has been recognized as one of the top five programs seven times. It has also been rated as the top program twice in the last decade.

NYSP is an excellent example of how federal partnerships with communities can work for the betterment of America’s young people. Funds for NYSP are provided through the Department of Health and Human Services and are administered through the NCAA. In my home state, additional funds for food services are provided through the Department of Agriculture.

NYSP provides the kids who participate in the camps with wonderful opportunities they would not otherwise have to learn, play, and form new friendships in friendly, safe and supportive environments. This year at UW—Eau Claire, 589 young people participated in NYSP.

Mr. Speaker, I congratulate all of the many staff and volunteers who run the NYSP program at UW—Eau Claire. In particular, I wish to recognize Lisa McIntyre, Bill Harms, Jeff Lutz, Tom Platt and Tony Hudson, whose dedication to the program is very admirable, and who make sure I am kept up-to-date about the progress and success of NYSP each year.

I offer a special word of congratulations and thanks to Diane Giberson, who has been the Activities Director of NYSP in Eau Claire. Diane is retiring this year, and was instrumental in establishing NYSP in the Chippewa Valley twenty years ago. Diane’s tireless efforts over the years on behalf of youth in our community serves as a shining example for all of us—young and old—to follow our dreams, and to take time to help make the dreams of our children come true.

Once again, Mr. Speaker, on behalf of the residents of western Wisconsin, I congratulate and thank all those who have made the NYSP program an amazing success. Our children, and our communities, are certainly the better for their efforts.

THE TECHNOLOGY EDUCATION AND TRAINING ACT

HON. JERRY WELLER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. WELLER. Mr. Speaker, today, I am introducing a bill with Mr. MORAN, Mr. COX, Mr. TAUTZIN, Mr. TOM DAVIS, Mr. DRIER, Mr. ADAM SMITH, Mr. SALMON and Mrs. TAUCHER to address the severe worker shortage in technology related industries. The Technology Education and Training Act provides a $1,500 tax credit for information technology training expenses.

This tax credit is necessary to address the serious shortage in the United States of trained technology professionals. This shortage has a dramatic effect on the U.S. economy. According to the CompTIA Workforce Study, as a result of unfilled IT positions, the U.S. economy loses $105.5 billion in spending that would otherwise go to salaries and training. This reduces household income by $37.2 billion and prevents the creation of 1.6 million jobs. Currently, an estimated 268,740 (10%) of IT service and support positions are unfilled. This results in $4.5 billion per year lost worker productivity. An ITAA study released April 11, 2000 predicts a shortage of 843,328 for the 1.6 million new IT workers needed in 2000.

The tax credit we establish in this bill would be available to both individuals and businesses for training and educational expenses for individuals being trained in technology related industries. The allowable credit would be $1,500. For small businesses, or businesses and individuals in enterprise zones, empowerment zones, and other qualified areas, the credit would equal $2,000. The training program must result in certification. This bill encourages a private-public sector partnership which allows the private sector to determine who, what, where and how to train workers. It also helps to fill the IT worker pipeline with thousands of new and retrained IT skilled workers which would otherwise leave thousands of jobs in cities across America unfilled.

Mr. Speaker, thank you for the opportunity to speak on behalf of The Technology Education and Training Act.

THE IMPORTANCE OF A GLOBAL SCHOOL LUNCH AND GLOBAL WIC PROGRAM

HON. JAMES P. MCGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. MCGOVERN. Mr. Speaker, I was very excited to read the July 23, 2000 statement by President Clinton at the G-8 Summit in Okinawa, Japan, announcing a $300 million initial start-up program in Sub-Saharan Africa for school and pre-school feeding programs for the over 300 million hungry children of the world. On July 27th, the Senate Agriculture Committee held a hearing on this issue and invited four Senators George McGovern and Bob Dole, the two chief proponents of the initiative, Secretary of Agriculture Dan Glickman, Senator Richard Durbin, myself, and several others to testify.

The importance of a global school lunch and global WIC program to address the growing problem of child malnutrition in many parts of the world is crucial. In this hearing, I will discuss some of the reasons for the severe problem of child malnutrition, the proposal for a global school lunch and global WIC program and some of the issues that need to be addressed.
This is a remarkable initiative to promote education and reduce hunger among children world wide. I would like to enter into the Record the President's statement describing this initiative, as well as the testimony of Ambassador George McGovern and my own testimony before the Senate Agriculture Committee.


Today, President Clinton announced new initiatives to expand access to basic education and improve childhood development in poor countries. The Okinawa Summit's unprecedented emphasis on international development, these measures include:

1. A new $300 million U.S. Department of Agriculture international school nutrition pilot program to improve student enrollment, attendance, and performance in poor counties.

2. The G-8 has established a $55 million US assistance to strengthen the partnership of developed and developing countries in expanding access to and improving basic education.

3. In connection with the Summit and at the suggestion of the U.S., the World Bank President James Wolfensohn has pledged to increase the Bank's lending for basic education in poor countries by 50% ($55 million) targeted to areas where structural weaknesses in educational systems contribute to the prevalence of abusive child labor.

4. The President will launch a $300 million school food pilot program working through the UN World Food Program in partnership with private voluntary organizations. Building on ideas promoted by Ambassador George McGovern and former Senator Robert Dole and explored at the World Food Summit in 1996, the World Food Program has been shown to have a significant positive impact on rates of student enrollment, attendance, and performance.

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Primary education is the single most important factor in accounting for differences in growth rates between East Asia and sub-Saharan Africa because it leads to greater achievement of secondary education, according to the World Bank.

An education helps people understand health risks, including AIDS, and preventative sexual treatment.

Education opportunities are also critical to eliminating abusive child labor. Around the world, tens of millions of young children in their first year– largely in the form of surplus farm commodities. If other U.N. countries could offer a copy of that letter to my testimony and ask that it be part of the Record of his hearing.

I would also like to enter into the Record as part of my testimony a letter in support of this initiative by the National Farmers Union. The letter states: "We believe that the benefits to those less fortunate than ourselves will be profound, while our own investment will ultimately be returned many times over. The international nutrition assistance program is morally, politically and economically correct for this nation and all others who seek to improve mankind." As Senators George McGovern, Bob Dole and Richard Durbin have just testified, the proposal we are discussing today is very simple: to initiate a multilateral effort that would provide one modest, nutritious meal to the estimated 300 million hungry children of the world. I do not wish to repeat their testimony, but there are points I would like to underscore.

Mr. Chairman, I believe the world moves on simple ideas. This simple idea is also a big idea, made more compelling in its simplicity. It gives us closer to achieving many of our most important foreign policy goals:

- reducing hunger among children increasing school attendance in developing countries;
- strengthening the education infrastructure in developing countries;
- increasing the number of girls attending school in developing countries;
- reducing child labor; and
- opening education opportunities for children left orphaned by war, natural disaster and disease, especially HIV/AIDS.

Over the next ten to twenty years, achieving these goals will significantly affect the overall economic development of the countries that participate in and benefit from this initiative. Children who do not suffer from hunger do better in school—and education is the key to economic prosperity. The better educated a nation’s people, the more its population stabilizes or decreases, which in turn decreases pressures on food and the environment.

Our own prosperity is clearly linked to the economic well-being of the nations of Asia, Latin America and Eastern Europe. As their economies grow stronger, so do markets for U.S.-made products. The generation of children we help save today from hunger will one day become the leaders—and the consumers—of their countries tomorrow.

That’s Bob Dole.


The importance of a global school feeding program

I want to thank the Chairman, Senator Lugar and Ranking Member Har-
The simple idea, Mr. Chairman, might prove to be the catalyst to a modern-day Marshall Plan for economic development in developing countries: A coordinated international effort to create self-sustaining school feeding programs and to enhance primary education throughout the developing world. Our farmers, our non-profit development organizations, and our foreign assistance programs could help make this a reality.

On the other hand, it could also fail. It could fail, Mr. Chairman, if we in Congress fail to provide sufficient funding for this initiative; if we fail to provide a long-term commitment at least ten years to this initiative; and if we fail to integrate this initiative with our other domestic and foreign policy priorities.

In the 1970s and early 1980s, the Clinton Administration has made available $300 million in food commodities to initiate a global school feeding program. This is an admirable beginning for a global program estimated at $3 billion annually when it is 100 percent in place, with the U.S. share appropriately $755 million per year.

To ensure the success of this initiative, we will need to commit ourselves to a long-term, secure funding for this and related programs.

First, we need to authorize this program, and the necessary annual appropriations to carry it out, must at a minimum provide for the total U.S. share. These funds would be needed to fund the purchase of agriculture commodities, but also for the processing, packaging, and transportation of these commodities; for the increased agency personnel to implement and monitor expanded U.S. education projects in developing countries; and for an increased number of contracts with U.S.-based non-governmental organizations to implement school feeding and education programs in target countries.

A significant portion of this assistance will go to our farming community for the purchase of their products, and that’s as it should be. Quite frankly, Mr. Chairman, I would rather pay our farmers to produce than watch them destroy their crops or pay them not to produce at all.

Second, the United States must lead and encourage other nations to participate and match funds both to the food and the education components of this project.

Third, we will need to increase funding for development assistance to strengthen and expand education in developing countries. One of the key reasons for supporting school feeding programs is to attract more children to attend school. If that happens, then the schools will need cooking centers, cooking utensils and cooks. Within a year or two, the increased student population will require more classrooms. Those classrooms will need teachers and supplies. Additional development assistance, delivered primarily through NGOs, will need to be successfully implemented both the food and the education components of this proposal.

Fourth, we will need to secure greater funding for and recommit ourselves to debt relief and to programs that support and stimulate local agriculture and food production in these countries—two important priorities of our foreign assistance programs. Revenues that developing countries must now use to service their debt could instead be invested in education, health care and development school feeding programs also rely on the purchase and use of local food products, which are in harmony with local diet and cultural preferences. If the U.S. is to make these food education programs self-sustaining, the promotion of local agricultural production and national investment in education are essential.

Fifth, our commitment to this effort must be long term. Too often initiatives are announced with great fanfare and then fade away with little notice given. Many development organizations currently active in the field with “food for education” programs are skeptical of this proposal. Many governments of developing countries share that skepticism. They have heard it before. They have seen proposals, begun and then ended as funding abruptly or gradually ended. Our commitment to both the food and education components of this initiative must cover at least a decade.

Sixth, we do not need to re-invent the wheel to implement this program, or at least the U.S. participation in this multilateral effort. We have a long and successful history of working with our farming community to provide food aid. We have successful partnerships with NGOs already engaged in nutrition, education and community development projects abroad. We also have established relations with international hunger and education agencies, including the Food Aid Convention, the World Food Program, UNICEF and the United States Food and Agriculture Organizations (FAO).

Finally, Mr. Chairman, I believe we must also take a long look at our own needs, and at the same time contribute to reducing hunger abroad, we must make a commitment to ending hunger here at home. In a time of such prosperity, it is unacceptable that we still have so many hungry people in America. None of our seniors should be on a waiting list to receive Meals-on-Wheels. No child in America should go to bed hungry night after night. No family should go hungry because they don’t know where the next meal will come from. No pregnant woman, no nursing mother, no infant nor toddler should go hungry in America. We have the ability to fund existing programs so these needs are met.

If I may, Mr. Chairman, I would also like to add one more comment. As first proposed, this initiative also had a universal WIC component. The United States is already involved in these maternal and child health programs for mothers and infants. I was very pleased to see in the President’s announcement that it contained a pre-school component. I hope that we might also expand our assistance in this area and reach out to our international partners to increase their aid as well. We all know how important those early years of development are in a child’s life. I fully support the school feeding and education initiative we are discussing this morning. But if a child has been malnourished or starved during the first years of their life, much of their potential has already been damaged and is in need of repair. Surely the best strategy would include health, immunization and nutrition programs targeted at children three years and younger.

I believe we can—and we must—eliminate hunger here at home and reduce hunger among children around the world.

I believe we can—and we must—expand our efforts to bring the children of the world into the classroom.

I hope you and your Committee will lead the way.

Thank you, Mr. Chairman.
The Triangle Smart Growth Coalition, the Greater Triangle Regional Council, the Triangle Smart Growth Commission, and the Triangle Smart Growth Commission’s Advisory Council.
when it comes time to file their taxes. I urge
my colleagues to join me in promoting greater
tax fairness for our nation’s farmers.

HONORING JOEL PETT FOR HIS 2000 PULITZER PRIZE IN EDITORIAL CARTOONING

HON. ERNIE FLETCHER
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. FLETCHER. Mr. Speaker, It is my honor
to recognize today the outstanding achieve-
ment of Joel Pett for being awarded the 2000
Pulitzer Prize in Editorial Cartooning.

Since 1984, Joel has served in the capacity of
Editorial Cartoonist with the Lexington Her-
ald Leader and has produced cartoons on
local and national government. Since that day
in 1984—Pett’s outstanding and talented work
has appeared in many newspapers and maga-
azines around America. This is why it is not
surprising that he was recognized with such a
prestigious national award.

With keen wit and acute perception, he has
been able to highlight subtle perspectives that
demand a more careful examination by the
public. By presenting difficult topics in a com-
ical way, Joel Pett is able to touch upon the
core issues within the daily life of politics and
government.

His distinction as the recipient of the 2000
Pulitzer Prize for Editorial Cartooning is one
that highlights his creativity, inventiveness and
intellect. Joel Pett is a talented professional jour-
nalist who is dedicated to his work that he pre-
sents to readers throughout the year. I know
that the Lexington Herald Leader, Lexington
community and Commonwealth, of Kentucky
are all proud of his outstanding achievement.

It is a pleasure to recognize Joel Pett, on
the House floor today, for his superior work in
cartoons that has earned him the
2000 Pulitzer Prize in Editorial Cartooning.

E1394 CONGRESSIONAL RECORD — Extensions of Remarks July 27, 2000

Moratorium Needed on Federal Land Exchanges Until System Is Fixed

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, land exchanges between private par-
ties and the federal government have long been
a source of contention in Congress and
in local communities. Exchanges are sup-
posed to provide the federal government a
valuable tool to acquire lands with high public
interest values, such as enhanced recreational
opportunities or wildlife habitat, and to dispose
of lands with less or limited public value.

According to a new General Accounting Of-
cide study that I commissioned, however, the
Bureau of Land Management and the U.S.
Forest Service have wasted hundreds of mil-
ions of dollars swapping valuable public land
for private land of questionable value, and the
Bureau may even be breaking the law.

The GAO report was prominently covered
earlier this month by NBC Nightly News, CBS
Radio, the Washington Post, and other media
tools across the country. Subsequently, my call
for a moratorium has received
strong support from newspapers, organiza-
tions and individuals from across the country
as well.

I commend to my colleagues three of the
newspaper editorials that have appeared so
during the call for the moratorium.

The GAO’s auditors think so. Arguing that
the practice—perhaps replacing it with a
Land Exchange Programs Troubled, But
well Worth Fixing

There are outrages aplenty in a recent con-
gressional audit of federal land-exchange
programs: Nevada acreage valued at $763,000
was transferred by the government to pri-
ivate owners, who resold it the same day for
$4.6 million. A 4,300-acre Douglas fir forest in
Nevada was resold to a timber company for
30,000 clearcut acres near Se-
atttle.

These are patently bad deals. But do they,
and others documented by the General Ac-
counting Office in its recent report, justify
ending the programs?

The GAO’s auditors think so. Arguing that
land-swapping is inherently problematical,
they urge Congress to consider abandoning
the practice—perhaps replacing it with a
cash-purchase system, wherein the U.S. For-
est Service and Bureau of Land Management
simply sell parcels they don’t want and use
the revenue to buy others they do.

It’s unclear how this approach would ease the
cost burden of the exchange programs:
The difficulty of establishing fair

[From the Bozeman Chronicle, July 20, 2000]
PUBLIC LAND DEALS BETTER NOT CHEAT THE PUBLIC

(By Chronicle Editor)

Intelligent, well-meaning people can dis-
agree over what’s the appropriate amount of
land for the federal government to own. But
when the government strikes a deal to buy,
sell or trade land, there should be no dis-
agreement on the necessity of making cer-
tain the public is getting a fair deal.

That apparently has not been the case.
A recent General Accounting Office audit
found that the Forest Service and Bureau of
Land Management have been able to extract
dollars from land exchanges by either buying
too high or selling too low. This is a serious
indictment of public land stewardship that
should not be taken lightly.

Exchanges have become an important part
of Western public lands policy as land man-
agers seek to consolidate fragmented hold-
ings, increase wildlife winter range and
improve access.

All of these are important public benefits.
But it is a serious breach of the public trust
if land deals aimed at accomplishing those
ends cheat the taxpayers out of land values
that are rightfully theirs.

Several major land exchanges have in-
volved Gallatin National Forest in recent
years and have accomplished some impor-
tant land management goals. The problem ar-
tes when negotiations and appraisals in-
volved in these land deals are kept secret.
Public land managers argue they must be
kept secret because revealing proprietary
information could cause lands involved in the
negotiations could kill the deal.

But if the GAO report is correct in its dis-
misassessment of the outcome of many of
these deals, maybe we’d all be better off if
the deals were killed.

Public land managers need to find ways to
conduct these negotiations in the open where
all can see. If the lands involved are of sufici-
ent value to arouse private parties’ inter-
ests, then conditioning a trade on open nego-
tiations and publicly revealed land apprais-
als will not kill deals.

Public negotiations allow anyone with an
interest to step forward and point out as-
psects of the proposed trades that might be
overlooked by agency officials. Open nego-
tiations only invite more complete informa-
tion about factors contributing to land value
and reveal the public’s priorities for man-
aging these lands.

Public land managers need to remind
themselves occasionally that they
manage is not theirs; it belongs to the citi-
zens of the United States, and those citizens
are entitled to a say in how it’s done.

[From the Minneapolis [MN] Star Tribune, July 24, 2000]
value for tracts of land that may be remote, undevelopable, depleted, largely unmarketable to private buyers—or all of the above. Appraising such land is a wholly different task from pricing a farm, homestead or business based on recent sales of comparable properties.

This doesn’t excuse the agencies’ worst flubs, of course, but it does argue for some tolerance in reviewing their overall performance—3 million acres of unwanted federal land traded, since 1989, for 2 million desirable acres whose acquisition protected habitat, improved recreation, consolidated fragmented holdings, buffered parks or wilderness from incompatible development. The GAO has carefully measured taxpayers’ losses in a few dozen swaps, but not their gains in thousands of others.

Moving to a cash-purchase system would almost certainly slow the agencies’ acquisition of valuable lands and subject their work to congressional micromanagement. Congress has long been reluctant to fully fund its own land-conservation commitments; in recent years the budgets for the land-owning agencies have come under increasing pressure, reflecting a sentiment against acquisition of public lands—especially in the West, where most exchanges occur.

Moreover, the Forest Service and BLM have adopted significant reforms since 1998, prompted by newspaper reports exposing their failings. Though the GAO audit was commissioned in part to review the effectiveness of these changes, most of the truly terrible transactions cited by the auditors—including the aforementioned Nevada and Washington deals—occurred before they were adopted.

It is certainly true, as the auditors observe, that the agencies’ clearer policies, better training and more stringent review of proposed deals can’t guarantee perfect performance. But it is also true that the agencies deserve a better chance to show results.

Mr. Speaker, I would like to take this opportunity to honor my dear friend, Commander Gregory Lawrence, a member of the Milpitas, California Police Department. I would like to congratulate Commander Lawrence on his retirement, September 8, 2000.

Commander Lawrence attended high school at William C. Overfelt High School in San Jose, California. Between the years of 1966 and 1969 he served as a Tank Commander in the U.S. Army. He continued his education at San Jose City College and San Jose State University. In 1979 he graduated from San Jose State with a Bachelor of Arts degree in Administration of Justice. In 1995 he earned a Masters Degree in Management from California State Polytechnic University, Pomona. During his 29 year police career he attended the FBI National Academy, the POST sponsored Supervisory Leadership Institute and Command College.

Commander Lawrence began his career with the Milpitas Police Department on June 18, 1971. Through hard work and dedication he rose through the ranks and was promoted to Senior Officer in September 1973, Sergeant in July 1980, Lieutenant in October 1991, and Commander on September 15, 1998.

Commander Lawrence served as a supervisor in patrol, traffic, community relations, personnel, and investigations. He was instrumental in the development and implementation of the first Community Relations unit where he taught drug resistance classes at Ayer and Milpitas High Schools. He was also one of the department’s first Crisis Negotiators. He was the first and only Sergeant to ride motorcycles as a duty assignment and researched, developed, and implemented the department’s driver training and bicycle programs.

Commander Lawrence served his community extremely well and I cannot thank him enough for his unselfish dedication to the city of Milpitas. He has accomplished a lot in his 29 years with the police department and has set a great example for dozens of other police officers, friends, and members of the community for years to come.

Commander Lawrence deserves great commendation, and I would like to ask my fellow colleagues to join me in congratulating him on his retirement.

HON. FORNEY PETE STARK
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, July 27, 2000

Mr. STARK. Mr. Speaker, I would like to take this opportunity to honor my dear friend, Commander Gregory Lawrence, a member of the Milpitas, California Police Department. I would like to congratulate Commander Lawrence on his retirement, September 8, 2000.

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HIGHLIGHTS

Senate agreed to Defense Appropriations Conference Report.
House committees ordered reported 10 sundry measurements.

Senate

Chamber Action
Routine Proceedings, pages S7723–S7958

Measures Introduced: Fifty-nine bills and four resolutions were introduced, as follows: S. 2942–3000, S. Res. 345–346, and S. Con. Res. 132–133.

Measures Reported: Reports were made as follows:
S. 2796, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, with an amendment in the nature of a substitute. (S. Rept. No. 106–362)
S. 2797, to authorize a comprehensive Everglades restoration plan, with amendments. (S. Rept. No. 106–363)
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 an amendment and with an amended preamble.
S. 113, to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants.
S. 353, to provide for class action reform, with an amendment in the nature of a substitute.
S. 783, to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies, with an amendment in the nature of a substitute.
S. 1865, to provide grants to establish demonstration mental health courts, with an amendment in the nature of a substitute.
S. 2000, for the relief of Guy Taylor.
S. 2002, for the relief of Tony Lara, with an amendment.
S. 2272, to improve the administrative efficiency and effectiveness of the Nation’s abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.
S. 2279, to authorize the addition of land to Sequoia National Park, with an amendment.
S. 2289, for the relief of Jose Guadalupe Tellez Pinales.
S. 2943, 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.
S. Con. Res. 131, commemorating the 20th anniversary of the workers’ strikes in Poland that lead to the creation of the independent trade union Solidarnose, with an amendment in the nature of a substitute and with an amended preamble.

Measures Passed:

Intercountry Adoption Act: Senate passed H.R. 2909, to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, after agreeing to the following amendment proposed thereto:

Campbell (for Helms) Amendment No. 4023, in the nature of a substitute.

Coast Guard Authorization Act: Committee on Commerce, Science, and Transportation was discharged from further consideration of H.R. 820, to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1089, Senate companion measure, and after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto:

Campbell (for Snowe/Kerry) Amendment No. 4022, in the nature of a substitute.

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on
the part of the Senate: Senators McCain, Stevens, Snowe, Hollings, and Kerry.

Subsequently, S. 1089 was placed back on the Senate calendar.

Adjournment Resolution: Senate agreed to S. Con. Res. 132, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

Pages S7773–74

Religious Land Use and Institutionalized Persons Act: Senate passed S. 2869, to protect religious liberty.

Pages S7774–81

Trafficking Victims Protection Act: Senate passed H.R. 3244, to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, after agreeing to the following amendments proposed thereto:

Hatch (for Brownback/Wellstone) Amendment No. 4027, in the nature of a substitute.

Pages S7781

Hatch Amendment No. 4028 (to Amendment No. 4027), to make technical changes in the section relating to strengthening the prosecution and punishment of traffickers.

Pages S7781

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: from the Committee on the Judiciary: Senators Hatch, Thurmond, and Leahy; and from the Committee on Foreign Relations: Senators Helms, Brownback, Biden, and Wellstone.

Page S7781

Bend Pine Nursery Land Conveyance Act: Senate passed S. 1936, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes, after agreeing to a committee amendment in the nature of a substitute.

Pages S7794–95

Wyoming Land Conveyance: Senate passed S. 1894, to provide for the conveyance of certain land to Park County, Wyoming, after agreeing to a committee amendment in the nature of a substitute.

Page S7795

Upper Housatonic Valley National Heritage Area Study Act: Senate passed S. 2421, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts.

Pages S7795–96

National Wild and Scenic Rivers System: Senate passed H.R. 1749, to designate Wilson Creek in Avery and Caldwell Counties, North Carolina, as a component of the National Wild and Scenic Rivers System, clearing the measure for the President.

Washakie County and Big Horn County, Wyoming Land Conveyance: Senate passed S. 610, to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, after agreeing to a committee amendment in the nature of a substitute.

Page S7796

Sequoia National Park Land Addition: Senate passed S. 2279, to authorize the addition of land to Sequoia National Park, after agreeing to a committee amendment.

Pages S7796–97

Wekiva Wild and Scenic River Designation Act: Senate passed S. 2352, to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the National Wild and Scenic Rivers System, after agreeing to a committee amendment in the nature of a substitute.

Pages S7797–98

Natchez Trace Parkway: Senate passed S. 2020, to adjust the boundary of the Natchez Trace Parkway, Mississippi.

Pages S7798

Lackawanna Heritage Area: Senate passed H.R. 940, an act to designate the Lackawanna Heritage Valley American Heritage Area, after agreeing to a committee amendment in the nature of a substitute.

Pages S7798, S7799–S7802

Subsequently, passage of H.R. 940 was vitiated.

Page S7808

Wheeling National Heritage Area: Senate passed S. 2247, to establish the Wheeling National Heritage Area in the State of West Virginia, after agreeing to committee amendments.

Pages S7798–99

Subsequently, passage of S. 2247 was vitiated.

Page S7808

Stamp Out Breast Cancer Act: Senate passed S. 2386, to authorize the United States Postal Service to issue semipostals, after agreeing to the following amendment proposed thereto:

Smith (of Oregon) (for Levin) Amendment No. 4029, in the nature of a substitute.

Page S7803

Enrollment Correction: Senate agreed to S. Con. Res. 133, to correct the enrollment of S. 1809.

Page S7803

Paul D. Coverdell Fellowship Program: Senate passed S. 2998, to designate a fellowship program of the Peace Corps promoting the work of returning Peace Corps volunteers in undeserved American communities as the “Paul D. Coverdell Fellowship Program”.

Page S7803

 Paiute Indian Tribe Water Rights: Senate passed H.R. 3291, to provide for the settlement of the water rights claims of the Shivwits Band of the
Paiute Indian Tribe of Utah, clearing the measure for the President.

Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic: Committee on Veterans Affairs was discharged from further consideration of H.R. 1982, to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic, and the bill was then passed, clearing the measure for the President.

Helsinki Final Act Anniversary: Senate agreed to S.J. Res. 48, calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

Condemning Prejudice Against Asian/Pacific Island Individuals: Senate agreed to S. Con. Res. 53, condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States, after agreeing to a committee amendment in the nature of a substitute.

National Airborne Day: Committee on the Judiciary was discharged from further consideration of S. Res. 301, designating August 16, 2000, as “National Airborne Day”, and the resolution was then agreed to.

National Relatives as Parents Day: Committee on the Judiciary was discharged from further consideration of S. Res. 212, to designate August 1, 2000, as “National Relatives as Parents Day”, and the resolution was then agreed to.

Religious Tolerance: Senate agreed to S. Res. 133, supporting religious tolerance toward Muslims.

Foreign Personal Exemption Allowance: Committee on Finance was discharged from further consideration of S. Res. 333, expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and the resolution was then agreed to.

Recognizing Achievements of 1951 University of San Francisco Dons Football Team: Senate agreed to S. Res. 346, recognizing the achievements of the 1951 University of San Francisco Dons football team and acknowledging the wrongful treatment endured by the team.

Swearing in of Senator Miller: Senator Zell Miller, of Georgia, was sworn in to fill the unexpired term, until the vacancy of that term, caused by the death of Senator Paul Coverdell, is filled by election as provided by law.

Intelligence Authorization: Senate began 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.

Earlier, Senate agreed to the motion to proceed to the consideration of the bill.


During consideration of this measure today, Senate also took the following action:

By a unanimous vote of 100 yeas (Vote No. 229), 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 consideration of the bill, listed above.

Earlier, Senate agreed to the motion to proceed to the consideration of the bill.

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, September 5, 2000.

PNTR for China: Senate began 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.

During consideration of this measure today, Senate also took the following action:

By 86 yeas to 12 nays (Vote No. 231), 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 consideration of the bill.

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, September 5, 2000.

Defense Appropriations Conference Report: By 91 yeas to 9 nays (Vote No. 230), Senate agreed to the conference report to H.R. 4576, making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, clearing the measure for the President.

Justice for Victims of Terrorism Act: A unanimous-consent-time agreement was reached providing for consideration of S. 1796, to modify the enforcement of certain anti-terrorism judgments, and a substitute amendment to be proposed thereto, with a vote on final passage to occur thereon.

Long-Term Care Security Act: Senate agreed to the amendments of the House to the Senate amendments to H.R. 4040, 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.
provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, clearing the measure for the President.  

**Treaty Approved:** The following treaty having passed through its various parliamentary stages, up to and including the presentation of the resolution of ratification, upon division, two-thirds of the Senators present and having voted in the affirmative, the resolution of ratification was agreed to:  

**Inter-American Convention Against Corruption** (Treaty Doc. 105–39)  

**Removal of Injunction of Secrecy:** The injunction of secrecy was removed from the following treaties:  

Extradition Treaty with Belize (Treaty Doc. No. 106–38); and  


The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and were ordered to be printed.  

**Nominations—Committee Agreement:** Committee on Governmental Affairs requests that its deadlines for making determinations on certain nominations be extended to September 7, 2000 at which time the nominations shall be discharged from the Committee.  

**Nominations—Agreement:** A unanimous-consent agreement was reached providing that all nominations received by the Senate during the 106th Congress, remain in status quo, notwithstanding the July 27, 2000, adjournment of the Senate, and the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.  

**Authority to Make Appointments:** A unanimous-consent agreement was reached providing that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.  

**Secure Rural Schools and Community Self-Determination Act—Agreement:** A unanimous-consent-time agreement was reached providing for consideration of S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the re vested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands, and certain amendments to be proposed thereto, with a vote on final passage of the bill, to occur on or before September 15, 2000.  

**Messages from the President:** Senate received the following messages from the President of the United States:  

Transmitting, pursuant to law, a report on the progress towards achieving benchmarks in Bosnia; to the Committee on Armed Services. (PM–123)  

Transmitting, pursuant to law, a report on the National Institute of Building Sciences for fiscal year 1998; to the Committee on Banking, Housing, and Urban Affairs. (PM–124)  

Transmitting, pursuant to law, the report on the National Emergency with Respect to Libya; to the Committee on Banking, Housing, and Urban Affairs. (PM–125)  

Transmitting, pursuant to law, the report on the National Emergency with Respect to Terrorists Who Threatened to Disrupt the Middle East Peace Process; to the Committee on Banking, Housing, and Urban Affairs. (PM–126)  

**Nominations Confirmed:** Senate confirmed the following nominations:  

- 2 Air Force nominations in the rank of general.  
- 4 Army nominations in the rank of general.  
- 14 Navy nominations in the rank of admiral.  

Routine lists in the Air Force, Army, Coast Guard, Marine Corps, Navy.  

**Nominations Received:** Senate received the following nominations:  

Jose Collado, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring December 20, 2003. (Reappointment)  

Jose Collado, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring December 20, 2000.  

James H. Atkins, of Arkansas, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2004. (Reappointment)  

Christine M. Arguello, of Colorado, to be United States Circuit Judge for the Tenth Circuit.  

Paula M. Junghans, of Maryland, to be an Assistant Attorney General.  

Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board for a term of four years. (Reappointment)  

Troy Hamilton Cribb, of the District of Columbia, to be an Assistant Secretary of Commerce.  

David Stewart Cercone, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.
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Harry Peter Litman, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Routine lists in the Army, Marine Corps, Navy.

Messages From the President:

pages S7953–57

Messages From the House:

pages S7833–34

Measures Referred:

page S7835

Measures Placed on Calendar:

page S7835

Communications:

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Executive Reports of Committees:

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Amendments Submitted:

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Notices of Hearings:

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Authority for Committees:

pages S7947–48

Additional Statements:

pages S7824–33

Enrolled Bills Presented:

page S7836

Privileges of the Floor:

page S7948

Record Votes: Three record votes were taken today. (Total—231)

pages S7732, S7766, S7769

Adjournment: Senate convened at 9:30 a.m., and in accordance with the provisions of S. Con. Res. 152, adjourned at 9:53 p.m., until 12 noon, on Tuesday, September 5, 2000. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S7953.)

Committee Meetings

(Committees not listed did not meet)

SCHOOL FEEDING PROGRAM

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on proposals to establish an international school feeding program, after receiving testimony from Senator Durbin; former Senators Dole and McGovern; Representative McGovern; Dan Glickman, Secretary of Agriculture; Catherine Bertini, World Food Programme, Rome, Italy; Beryl Levinger, Monterey Institute of International Studies, Monterey, California, on behalf of the Education Development Center; Kenneth Hackett, Catholic Relief Services, Baltimore, Maryland; and Ellen S. Levinson, Cadwalader, Wickersham and Taft, on behalf of the Coalition for Food Aid, and Carole Brookins, World Perspectives, Inc., both of Washington, D.C.

NOMINATIONS

Committee on Armed Services: Committee ordered favorably 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, James Edgar Baker, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, and 2,147 military nominations in the Air Force, Navy, Army, and Marine Corps.

ANTITRUST LAWS IN AIRLINE INDUSTRY

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the current state of competition in the airline industry, and the role that antitrust laws play in assuring that consumers receive the benefits of competition, after receiving testimony from Joel I. Klein, Assistant Attorney General, Antitrust Division, Department of Justice; and Alfred Kahn, Cornell University, Ithaca, New York.

CERRO GRANDE FIRE

Committee on Energy and Natural Resources: Committee concluded 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, after receiving testimony from Barry T. Hill, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, General Accounting Office; Robert G. Stanton, Director, National Park Service, and Nina Hatfield, Deputy Director, Bureau of Land Management, both of the Department of the Interior; and Michael T. Rains, Area Director, Northeastern Area State and Private Forestry, Forest Service, Department of Agriculture.

NATIONAL PARKS

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded hearings on S. 1734, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative 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 interpretative 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, after receiving testimony from Senators Lott, Cochran, Fitzgerald, and Durbin; Denis P. Galvin, Deputy Director, National Park Service, Department of the Interior; Bridget Lamont, Office of the Governor of Illinois, Springfield; and Vijay K. Mital, Auburn, New York.

NOMINATIONS

Committee on Finance: Committee ordered favorably reported 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 for Management and Chief Financial Officer, Department of the Treasury.

BUSINESS MEETING
Committee on the Judiciary: Committee ordered favorably reported the following business items:

- S. 113, to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants;
- S. 783, to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies, with an amendment in the nature of a substitute;
- S. 2272, to improve the administrative efficiency and effectiveness of the Nation’s abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997;
- S. 1865, to provide grants to establish demonstration mental health courts, with an amendment in the nature of a substitute;
- S. 2289, for the relief of Jose Guadalupe Tellez Pinales;
- S. 2000, for the relief of Guy Taylor;
- S. 2002, for the relief of Tony Lara, with an amendment; and

The nominations of Susan Ritchie Bolton, Mary H. Murguia, and James A. Teilborg, each to be a United States District Judge for the District of Arizona, Michael J. Reagan, to be United States District Judge for the Southern District of Illinois, Norman C. Bay, to be United States Attorney for the District of New Mexico, and Marie F. Ragghianti, of Tennessee, and Janie L. Jeffers, of Maryland, each to be a Commissioner of the United States Parole Commission.

BUSINESS MEETING
Committee on the Judiciary: Subcommittee on Antitrust, Business Rights, and Competition approved for full committee consideration S. 2778, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

EXECUTIVE BRANCH OFFICIALS PROTECTION
Committee on the Judiciary: Subcommittee on Criminal Justice Oversight concluded hearings to examine the lack of standardization and training in security protection of Executive Branch officials, after receiving testimony from Bernard L. Ungar, Director, Government Business Operations Issues, General Government Division, and Robert H. Hast, Acting Assistant Comptroller General for Special Investigations, both of the General Accounting Office.

BUSINESS MEETING
Committee on Veterans Affairs: Committee ordered favorably reported the following business items:

An original bill to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans;

- S. 1810, to amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, with an amendment in the nature of a substitute; and

The nominations of Thomas L. Garthwaite, of Pennsylvania, to be Under Secretary of Veterans Affairs for Health, and Robert M. Walker, of West Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs.

NOMINATION
Select Committee on Intelligence: Committee ordered favorably reported the nomination of John E. McLaughlin, of Pennsylvania, to be Deputy Director of Central Intelligence.

Prior to this action, committee concluded closed hearings on the nomination of Mr. McLaughlin, after the nominee testified and answered questions in his own behalf.

NURSING HOME CARE
Special Committee on Aging: Committee continued hearings to examine the preliminary findings of a new government report on the correlation between inadequate staffing and deficient quality care in nursing homes, and the dangerous consequences which may result from these shortages, receiving testimony from Nancy-Ann DeParle, Administrator, Health Care Financing Administration, Department of Health and Human Services; Andrew Kramer, University of Colorado Health Sciences Center, Denver; and John F. Schnelle, University of California Los Angeles School of Medicine, on behalf of the Los Angeles Jewish Home for the Aging Borun Center for Gerontological Research.

Hearings recessed subject to call.
House of Representatives

**Chamber Action**

**Bills Introduced:** 116 public bills, H.R. 4986–5101; 4 private bills, H.R. 5102–5105; and 9 resolutions, H. Con. Res. 383–389 and H. Res. 568–569, were introduced.

**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);

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);

Conference report on H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001 (H. Rept. 106–796);

H. Res. 565, waiving points of order against the conference report to accompany H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001 (H. Rept. 106–797);

H. Res. 566, providing for consideration of 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 (H. Rept. 106–798);

H. Res. 567, providing for consideration of a concurrent resolution providing for adjournment of the House and Senate for the summer district work period (H. Rept. 106–799);

H.R. 2059, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty, amended (H. Rept. 106–800);

Contempt of Congress report on the refusals of Mr. Henry M. Banta, Mr. Robert A. Berman, Mr. Keith Rutter, Ms. Danielle Brian Stockton, and the project on Government Oversight to comply with subpoenas issued by the Committee on Resources (H. Rept. 106–801).

Making the Federal Government Accountable: Enforcing the Mandate for Effective Financial Management (H. Rept. 106–802); and

H.R. 3673, to provide certain benefits to Panama if Panama agrees to permit the United States to maintain a presence there sufficient to carry out counternarcotics and related missions (H. Rept. 106–803, Pt. 1).

**DOD Authorization—Conferees:** The Chair announced the Speaker’s appointment of conferees for consideration of H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, the Senate amendment, and modifications committed to conference.

From the Committee on Armed Services for consideration of the House bill and the Senate amendment, and modifications committed to conference: Chairman Goodling and Representatives Hilleary and Mink.

From the Committee on Armed Services for consideration of the House bill and the Senate amendment, and modifications committed to conference: Chairman Goss and Representatives Goss, Lewis of California, and Dixon.

From the Committee on Commerce for consideration of sections 601, 725, and 1501 of the House bill and sections 342, 601, 618, 701, 1073, 1402, 2812, 3131, 3133, 3134, 3138, 3152, 3154, 3155, 3167–3169, 3171, 3201, and 3301–3305 of the Senate amendment, and modifications committed to conference: Chairman Bliley and Representatives Barton of Texas and Dingell. Provided that Representative Bilirakis is appointed in lieu of Representative Barton of Texas for consideration of sections 601 and 725 of the House bill, and sections 601, 618, 701, and 1073 of the Senate amendment Representative Oxley is appointed in lieu of Representative Barton of Texas for consideration of section 1501 of the House bill, and sections 342 and 2812 of the Senate amendment.

From the Committee on Education and the Workforce for consideration of sections 341, 342, 504, and 1106 of the House bill, and sections 311, 379, 553, 669 1053, and Title XXXV of the Senate amendment, and modifications committed to conference: Chairman Goodling and Representatives Hilleary and Mink.
From the Committee on Government Reform for consideration of sections 518, 651, 723, 801, 906, 1101–1104, 1106, 1107, and 3137 of the House bill, and sections 643, 651, 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1069, 1073, 1101, 1102, 1104, 1106–1118, Title XIV, sections 2871, 2881, 3155, and 3171 of the Senate amendment, and modifications committed to conference: Chairman Burton and Representatives Scarborough, and Waxman. Provided that Representative Horn is appointed in lieu of Representative Scarborough for consideration of section 801 of the House bill and sections 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1101, Title XIV, sections 2871, and 2881 of the Senate amendment, and modifications committed to conference. Provided that Representative McHugh is appointed in lieu of Representative Scarborough for consideration of section 1073 of the Senate amendment, and modifications committed to conference.

Page H7135

From the Committee on House Administration for consideration of sections 561–563 of the Senate amendment, and modifications committed to conference: Chairman Thomas and Representatives Boehner and Hoyer.

Page H7134

From the Committee on International Relations for consideration of sections 1201, 1205, 1209, 1210, Title XIII, and section. 3136 of the House bill, and sections 1011, 1201–1203, 1206, 1208, 1209, 1212, 1214, 3178, and 3193 of the Senate amendment: Chairman Gilman and Representatives Goodling and Gejdenson.

Page H7134

From the Committee on the Judiciary for consideration of sections 543 and 906 of the House bill and sections 506, 645, 663, 668, 909, 1068, 1106, Title XV, and Title XXXV of the Senate amendment: Chairman Hyde and Representatives Canady and Conyers.

Page H7134

From the Committee on Resources for consideration of sections 312, 601, 1501, 2853, 2883, and 3402 of the House bill, and sections 601, 1059, Title XIII, sections 2871, 2893, and 3303 of the Senate amendment: Chairman Young of Alaska and Representatives Tauzin, and George Miller of California.

Page H7134

From the Committee on Science for consideration of sections 1402, 1403, 3161–3167, 3169, and 3176 of the Senate amendment; Chairman Sensenbrenner and Representatives Calvert, and Gordon. Provided that Representative Morella is appointed in lieu of Representative Calvert for consideration of sections 1402, 1403, and 3176 of the Senate amendment.

Page H7135

From the Committee on Transportation and Infrastructure for consideration of sections 535, 738, and 2831 of the House bill, and sections 502, 601, and 1072 of the Senate amendment Chairman Shuster and Representatives Gilchrest and Baird. Provided that Representative Pascrell is appointed in lieu of Representative for consideration of section 1072 of the Senate amendment.

Page H7135


Page H7135

From the Committee on Ways and Means for consideration of section 725 of the House bill, and section 701 of the Senate amendment: Chairman Archer and Representatives Thomas and Stark.

Page H7135

Agreed to the Taylor of Mississippi 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 by a yea and nay vote of 416 yea to 2 nays with 1 voting “present”, Roll No. 444. The motion was debated on July 26.

Page H7133

Agreed to the Spence motion to close portions of the conference when classified national security information is discussed by a yea and nay vote of 411 yea to 9 nays, Roll No. 443.

Pages H7133–34

Question of Privilege Re Legislative Branch Appropriations Conference Report: The House agreed to table H. Res. 568, raising a question of the House pursuant to Article I, Section 7 of the U.S. Constitution by a recorded vote of 213 ayes to 212 noes, Roll No. 446.

Pages H7135–36

Legislative Branch Appropriations Conference Report Rule: The House agreed to H. Res. 565, the rule waiving points of order against the conference report to accompany H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001 by a recorded vote of 214 ayes to 210 noes with 1 voting “present”, Roll No. 448.

Pages H7143–50, H7151–52

Social Security Benefits Tax Relief Act: The House passed H.R. 4865, to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits by a recorded vote of 265 ayes to 159 noes, Roll No. 450.

Pages H7153–76

The Committee on Ways and Means amendment in the nature of a substitute now printed in the bill H. Rept. 106–780 and made in order by the rule as was considered as adopted.

Pages H7153–54

Rejected the Pomeroy amendment in the nature of a substitute printed in H. Rept. 106–795 that sought to increase the income level at which the tax on Social Security benefits would apply to $100,000 for a joint return and $80,000 for a single return and would be subject to annual certifications by the Secretary of the Treasury that there are sufficient surpluses for Medicare Trust Fund requirements by a yea and nay vote of 169 yeas to 256 nays, Roll No. 449.

Pages H7166–75

Agreed to H. Res. 564, the rule that provided for consideration of the bill by a yea and nay vote of 232 yeas to 194 nays, Roll No. 447.

Pages H7136–43, H7150–51
Committee Election: Read a letter from Representative Ewing wherein he resigned from the Committee on House Administration. Subsequently, the House agreed to H. Res. 569, electing Representative Lindner to the Committee on House Administration. Page H7176

Engrossment Correction: Agreed that the Clerk be authorized to engross H.R. 4920, to improve service systems for individuals with developmental disabilities, in the form of the introduced bill. Page H7177

World Bank AIDS Trust Fund: Agreed to the Senate amendment to 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—clearing the measure for the President. Pages H7177–81

Federal Employees Long Term Care Insurance: Agreed to the Senate amendments with House amendments to H.R. 4040, 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. Late Report: The Committee on Science received permission to have until midnight on Thursday, August 31 to file a report on H.R. 4271, Ehler's national science Education Act. Page H7188

National Health Center Week to Recognize Community Health Centers: Agreed to H. Con. Res. 381, expressing the sense of the Congress that there should be established a National Health Center Week to raise awareness of health services provided by community, migrant, and homeless health centers. Pages H7188–89

Summer District Work Period: Agreed to S. Con. Res. 132, providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives. Earlier, agreed to H. Res. 567, the rule that provided for consideration of a concurrent resolution providing for adjournment of the House and Senate for Summer District Work Period. Pages H7189–90

National Night Out to Promote Crime Prevention: Agreed to H. Res. 561, expressing the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority. Page H7190

Protecting Religious Liberty: The House passed S. 2869, to protect religious liberty—clearing the measure for the President. Pages H7190–92

Texas Land Exchange: The House passed H.R. 4285, to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas and to convey certain National Forest System land to the New Waiverly Gulf Coast Trades Center. Pages H7192–93

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representatives Gilchrest and Morella to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6. Page H7193

Resignations-Appointments: Agreed that notwithstanding any adjournment of the House until Wednesday, September 6, 2000, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. Calendar Wednesday: Agreed that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 6, 2000. Pages H7194

Presidential Messages: Read the following messages from the President:

National Emergency re Libya: Message wherein he transmitted his periodic report on the national emergency with respect to Libya—referred to the Committee on International Relations and ordered printed (H. Doc. 106–275); Page H7193

Middle East Peace Process: Message wherein he transmitted his report on terrorists who threaten to disrupt the Middle East peace process referred to the Committee on International Relations and ordered printed (H. Doc. 106–276); Page H7194

National Institute for Building Sciences: Message wherein he transmitted his fiscal year 1998 annual report of the National Institute of Building Sciences—referred to the Committee on Banking and Financial Services; and


Senate Messages: Messages received from the Senate today appear on pages H7176 and H7188.

Referrals: S. 1586 was referred to the Committee on Resources and S. 2516 was referred to the Committee on the Judiciary. Page H7127

Quorum Calls—Votes: Five yea and nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H7131–32, H7133, H7134, H7153–56, H7151, H7151–52, H7174–75, and H7175–76. There were no quorum calls.

Adjournment: The House met at 10 a.m. and pursuant to S. Con. Res. 132, it stands adjourned at 7:24 p.m. until 2 p.m. on Wednesday, September 6.
Committee Meetings

HUNTS POINT MARKETING TERMINAL—REVIEW ILLEGAL ACTIVITIES
Committee on Agriculture: Subcommittee on Livestock and Horticulture held a hearing to review illegal activities at the Hunts Point Marketing Terminal. Testimony was heard from the following officials of the USDA: Roger Viadero, Inspector General; and Kathleen A. Merrigan, Administrator, Agriculture Marketing Service; and public witnesses.

MISCELLANEOUS MEASURES

UNDERSTANDING INTERGENERATIONAL ECONOMIC ISSUES
Committee on the Budget: Held a hearing on Understanding Intergenerational Economic Issues. Testimony was heard from Senator Kerrey; Dan L. Crippen, Director, CBO; former Governor Pete Du Pont, State of Delaware; former Representative Tim Penny, State of Minnesota; and public witnesses.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT
Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on H.R. 2420, Internet Freedom and Broadband Deployment Act of 1999. Testimony was heard from public witnesses.

FELONIES AND FAVORS
Committee on Government Reform: Held a hearing on “Felonies and Favors: A Friend of the Attorney General Gathers Information from the Justice Department.” Testimony was heard from Richard L. Huff, Co-Director, Office of Information and Privacy, Department of Justice; from the following former officials of the Department of Justice: John R. Schmidt, Associate Attorney General; and John Hogan, Chief of Staff to Attorney General Janet Reno; Rebekah Poston; and public witnesses.

SUDAN PEACE ACT
Committee on International Relations: Subcommittee on Africa approved for full Committee action S. 1453, Sudan Peace Act.

FAIR JUSTICE ACT
Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 4105, Fair Justice Act of 2000. Testimony was heard from Representative Traficant; the following officials of the Department of Justice: Matthew Fogg, Chief Deputy U.S. Marshall, United States Marshals Service; David Margolis, Associate Deputy Attorney General; John Keeney Deputy Assistant Attorney General, Criminal Division; H. Marshall Jarrett, Counsel, Office of Professional Responsibility; and Howard Scribnick, General Counsel; Michael Shaheen, Senior Counselor, Commissioner, IRS, Department of the Treasury; and public witnesses.

OVERSIGHT—CONSTITUTIONAL RIGHTS AND THE GRAND JURY
Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on Constitutional Rights and the Grand Jury. Testimony was heard from the following officials of the Department of Justice: James K. Robinson, Assistant Attorney General, Criminal Division; and Loretta Lynch, U.S. Attorney, Eastern District of New York; and public witnesses.

OVERSIGHT—STATE SOVEREIGN IMMUNITY AND PROTECTION OF INTELLECTUAL PROPERTY
Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held an oversight hearing on State Sovereign Immunity and Protection of Intellectual Property. Testimony was heard from Marybeth Peters, Register of Copyrights, Library of Congress; Todd Dickinson, Under Secretary, Intellectual Property and Director, Patent and Trademark Office, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action, as amended, H.R. 4548, Agricultural Opportunities Act.

The Subcommittee also approved private immigration bills.

OVERSIGHT—HYDROGRAPHIC SERVICES IMPROVEMENT ACT
Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on implementation of the Hydrographic Services Improvement Act of 1998. Testimony was heard from Scott Gudes, Deputy Under Secretary, NOAA, Department of Commerce; Richard Larrabee, Deputy Director, Port Commerce Department, The Port Authority of New York and New Jersey; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on Water and Power held a hearing on the following measures: H.R. 2820, to provide for the ownership 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; and S. 1778, to provide for equal exchanges of land around the Cascade. Testimony was heard from Lino Gutierrez, Principal Deputy Assistant, Western Hemisphere Affairs, Department of State; the following officials of the Department of the Interior: Larry Todd, Acting Director, Operations, Bureau of Reclamation; Michael J. Anderson, Deputy Assistant Secretary, Indian Affairs; and Dennis B. Fenn, Associate Director, Biology, U.S. Geological Survey; John Bernal, U.S. Commissioner, International Boundary and Water Commission, United States and Mexico; Linda K. Levy, Assistant Secretary, Department of Environmental Quality, State of Louisiana; and public witnesses.

OCEAN AND MARINE SCIENCE
Committee on Science: Subcommittee on Basic Research and the Subcommittee on Energy and Environment held a joint hearing on The State of Ocean and Marine Science. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

AIRCRAFT ACCIDENTS—TREND TOWARDS CRIMINALIZATION
Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the Trend Towards Criminalization of Aircraft Accidents. Testimony was heard from Daniel Campbell, Managing Director, National Transportation Safety Board; Guy Lewis, U.S. Attorney, Southern District of Florida; and public witnesses.

OVERSIGHT—TOTAL MAXIMUM DAILY LOADS INITIATIVES
Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Oversight of Total Maximum Daily Loads (TMDL) Initiatives. Testimony was heard from Members of Congress; J. Charles Fox, Assistant Administrator, Office of Water, EPA; and James Lyons, Under Secretary, Natural Resources and Environment, USDA.

FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT

LOS ALAMOS UPDATE; INTELLIGENCE COLLECTION ISSUES
Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Department of Energy/Los Alamos Update. Testimony was heard from departmental witnesses.

The Committee also met in executive session to hold a briefing on Intelligence Collection Issues. The Committee was briefed by departmental witnesses.

Joint Meetings

APPROPRIATIONS—LABOR, HEALTH, HUMAN SERVICES, AND EDUCATION
Conferences continued to meet to resolve the 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 recessed subject to call.

MILOSEVIC THREAT TO SERBIA AND MONTENEGRO
Commission on Security and Cooperation in Europe: Commission completed hearings to examine Yugoslavia President Slobodan Milosevic’s recent efforts to perpetuate his power by forcing changes to the Yugoslav constitution, cracking down on opposition and independent forces in Serbia, and threatening to usurp authority in Montenegro, after receiving testimony from Bogdan Ivanisevic, Human Rights Watch, New York, New York; Stojan Cerovic, Vreme (Time), on behalf of the United States Institute for Peace, and David Dasic, Republic of Montenegro Trade Mission to the United States of America, both of Washington, D.C.; and Branislav Canak, Nezavisnost (Independence), Belgrade, Serbia.

NEW PUBLIC LAWS
(For last listing of Public Laws, see DAILY DIGEST, p. D834)
S. 986, to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority. Signed July 26, 2000. (P.L. 106–249)

COMMITTEE MEETINGS FOR FRIDAY, JULY 28, 2000
Senate
No meetings/hearings scheduled.

House
No Committee meetings are scheduled.
Next Meeting of the SENATE
12 noon, Tuesday, September 5

Senate Chamber
Program for Tuesday: After the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will recess for their respective party conferences until 2:15 p.m.; following which, Senate will resume consideration of H.R. 4444, PNTR for China.

Also, at 6 p.m., Senate will resume consideration of H.R. 4733, Energy and Water Development Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES
2 p.m. Wednesday, September 6

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Program for Wednesday: To be announced.

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