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House of Representatives

The House met at 9 a.m.

Priest Venkatachalapathi Samuldrala, Shiva Hindu Temple, Parma, Ohio, offered the following prayer:

O God, You are Omnipresent, Omnipotent, and Omniscient. You are in everything and nothing is beyond You. You are our Mother and Father and we are all Your children. Whatever You do is for our good. You are the ocean of mercy and You forgive our errors. You are our teacher and You guide us into righteousness.

Today, in this great Hall, are assembled the elected Representatives of the people of this Nation. They are ready to perform their duties. God, please guide them in their thoughts and actions so they can achieve the greatest good for all.

We end this invocation with a prayer from the ancient scriptures of India:

May all be happy
May all be free from disease
May all realize what is good
May none be subject to misery
Peace, peace, peace be unto all.

THE JOURNAL

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

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

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

The SPEAKER. The question is on the Chair's approval of the Journal.

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

Mr. BALLENGER. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. BROWN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall''.

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station''.

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center''.

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the ''James H. Quillen United States Courthouse''.

H. Con. Res. 394. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374.

The message also announced that, pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Texas (Mrs. HUTCHISON) as Chair of the Senate Delegation to the Mexico-United States Interparliamentary Union during the One Hundred Sixth Congress.

WELCOME TO PRIEST VENKATACHALAPATHI SAMULDRALA

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

Mr. BROWN of Ohio. Mr. Speaker, today is a great day for Indian-American relations. For the first time, a Hindu priest has given the opening prayer at a session of Congress, and the Prime Minister of India later this morning will address a joint session of Congress.

India and the United States share the bonds of history and culture. Our two great nations share a commitment to both the ideals and the practice of democracy. The close ties between the world's oldest democracy and the world's largest democracy are invaluable to encourage free and fair elections throughout the world.

The United States is also home to an Indian-American community of 1.4 million people. I requested the House Chaplain and Speaker to invite Mr. Samuldrala to give today's prayer as a testimony to the religious diversity that is the hallmark of our great Nation.

I want to thank Mr. Samuldrala for his thoughtful prayer that reminds us that, while we may differ in culture and traditions, we are all alike in the most basic aspiration of peace and righteousness.

I thank the House Chaplain for inviting Mr. Samuldrala and look forward to future efforts to strengthen the bonds between our two great nations.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. After consultation with the majority and minority leaders and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Atal Bihari Vajpayee, only the doors immediately opposite the

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Speaker and those on his right and left will be open. No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privileges of the floor must be strictly adhered to. Children of Members will not be permitted on the floor. The cooperation of all Members is required.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, September 7, 2000, the House stands in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 9:52 a.m., the following proceedings were had:

□ 0945

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY ATAL BIHARI VAJPAYEE, PRIME MINISTER OF INDIA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore of the Senate taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Atal Bihari Vajpayee, the Prime Minister of India, into the Chamber:

The gentleman from Texas (Mr. ARMEY);

The gentleman from Texas (Mr. DELAY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from California (Mr. COX);

The gentleman from New York (Mr. GILMAN);

The gentleman from Nebraska (Mr. BEREUTER);

The gentleman from California (Mr. ROYCE);

The gentleman from Pennsylvania (Mr. GREENWOOD);

The gentleman from Missouri (Mr. GEPHARDT);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentleman from Connecticut (Mr. GEJDENSON);

The gentleman from California (Mr. LANTOS);

The gentleman from New York (Mr. ACKERMAN);

The gentleman from New Jersey (Mr. PALLONE);

The gentleman from Ohio (Mr. BROWN); and

The gentleman from New Jersey (Mr. HOLT).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency Atal Bihari Vajpayee, the Prime Minister of India, into the House Chamber:

The Senator from Mississippi (Mr. LOTT);

The Senator from Indiana (Mr. LUGAR);

The Senator from Wyoming (Mr. THOMAS);

The Senator from Kansas (Mr. BROWNBACK);

The Senator from Nebraska (Mr. HAGEL);

The Senator from Rhode Island (Mr. CHAFEE);

The Senator from Illinois (Mr. DURBIN);

The Senator from Delaware (Mr. BIDEN);

The Senator from Nevada (Mr. REID);

The Senator from Massachusetts (Mr. KERRY); and

The Senator from New York (Mr. MOYNIHAN).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Kingsley Layne, Ambassador of St. Vincent and the Grenadines.

□ 1007

At 10 o'clock and 7 minutes a.m., the Assistant to the Sergeant at Arms announced the Prime Minister of India, His Excellency Atal Bihari Vajpayee.

The Prime Minister of India, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the Prime Minister of India, His Excellency, Atal Bihari Vajpayee.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY, ATAL BIHARI VAJPAYEE, PRIME MINISTER OF INDIA

Prime Minister VAJPAYEE. Mr. Speaker, Mr. President pro tem, honorable Members of the United States Congress, it is with a deep sense of honor that I speak to you today. I would like to thank you, Mr. Speaker, and the Members of the Congress, for giving me this opportunity.

In November 1999, a remarkable event took place in the House of Representatives. By a vote 396 to 4, the House adopted a resolution congratulating India and my government on the successful elections completed in October 1999. This display of broad-based bipartisan support for strengthening relations with India is heartening. It is a source of encouragement to both President Clinton and to me, as we work together to infuse a new quality in our ties. I thank you for the near-unique approach that you have adopted towards my country.

Those of you who saw the warm response to President Clinton's speech to our Parliament in March this year will recognize that similar cross-party support exists in India as well for deeper engagement with the United States of America.

I am also deeply touched by the resolution adopted in the House 2 days ago welcoming my visit and the prospect of close Indo-U.S. understanding. I am equally encouraged by the resolution adopted by the Senate yesterday.

Mr. Speaker, American people have shown that democracy and individual liberty provide the conditions in which knowledge progresses, science discovers, innovation occurs, enterprise thrives, and, ultimately, people advance.

To more than a million and a half from my country, America is now home. In turn, their industry, enterprise and skills are contributing to the advancement of American society.

I see in the outstanding success of the Indian community in America a metaphor of the vast potential that exists in Indo-U.S. relations, of what we can achieve together. Just as American experience has been a lesson in what people can achieve in a democratic framework, India has been the laboratory of a democratic process rising to meet the strongest challenges that can be flung at it.

In the half century of our independent existence, we have woven an equisite tapestry. Out of diversity we have brought unity. The several languages of India speak with one voice under the roof of our Parliament.

In your remarkable experiment as a Nation state, you have proven the same truth. Out of the huddled masses that you welcomed to your shores, you have created a great Nation.

For me, the most gratifying of the many achievements of Indian democracy has been the change it has brought to the lives of the weak and the vulnerable. To give just one figure, in recent years it has enabled more than a million women in small towns and distant villages to enter local elected councils and to decide on issues that touch upon their lives.

□ 1015

Two years ago, while much of Asia was convulsed by economic crises, India held its course. In the last 10 years, we have grown at 6.5 percent per year. That puts India among the 10 fastest growing economies of the world.

Economic activity gets more and more diversified by the year. President Clinton and many among the friends gathered here have had occasion to glimpse our advances in information technology.

We are determined to sustain the momentum of our economy. Our aim is to

double our per capita income in 10 years, and that means we must grow at 9 percent a year.

To achieve this order of growth, we have ushered in comprehensive reforms. We are committed to releasing the creative genius of our people, the entrepreneurial skills of the men and women of the country, of its scientists and craftsmen. At the same time, we in India remain committed to the primacy of the State in fulfilling its social obligations to the deprived, the weak, and the poor.

Important sectors of the country's infrastructure, power, insurance, banking, telecom, are being opened to private initiative, domestic and foreign. Trade barriers are being lowered.

Mr. Speaker, ladies and gentlemen, there are forces outside our country that believe that they can use terror to unravel the territorial integrity of India. They wish to show that a multi-religious society cannot exist. They pursue a task in which they are doomed to fail.

No country has faced as ferocious an attack of terrorist violence as India has over the past 2 decades. Twenty-one thousand were killed by foreign sponsored terrorists in Punjab alone, and 16,000 have been killed in Jammu and Kashmir.

As many of you here in the Congress have in recent hearings recognized a stark fact: no region is a greater source of terrorism than our neighborhood. Indeed, in our neighborhood, in this, the 21st century, religious war has not just been fashioned into, it has been proclaimed to be, an instrument of State policy.

Distance offers no insulation. It should not cause complacence. You know and I know such evil cannot succeed. But even in failing, it could inflict untold suffering. That is why the United States and India have begun to deepen their cooperation for combating terrorism. We must redouble these efforts.

Mr. Speaker, ladies and gentlemen, there was a time when we were on the other side of each other's globes. Today, on every digital map, India and the United States are neighbors and partners.

India and the United States have taken the lead in shaping the information age. Over the last decade, this new technology has sustained American prosperity in a way that has challenged conventional wisdom on economic growth. We are two nations blessed with extraordinary resources and talent. Measured in terms of the industries of tomorrow, we are together defining the partnerships of the future.

But our two countries have the potential to do more to shape the character of the global economy in this century. We should turn the example of our own cooperation into a partnership that uses the possibilities of the new technologies for defining new ways of fighting poverty, illiteracy, hunger, disease, and pollution.

Mr. Speaker, ladies and gentlemen, we believe that India and America can, and should, march hand in hand towards a world in which economic conditions improve for all. A situation that provides comfortable living standards to one-third of the world's population, but condemns the remaining two-thirds to poverty and want is unsustainable.

The foremost responsibility that the 21st century has cast on all of us is to change this unacceptable legacy of the past. It should be our common endeavor to overcome this legacy. I, therefore, propose a comprehensive global dialogue on development. We would be happy to offer New Delhi as the venue for this dialogue.

In this Congress, you have often expressed concern about the future contours of Asia. Will it be an Asia that will be at peace with itself? Or will it be a continent where countries seek to redraw boundaries and settle claims, historical or imaginary, through force?

We seek an Asia where power does not threaten stability and security. We do not want the domination of some to crowd out the space for others. We must create an Asia where cooperative rather than aggressive assertion of national self-interests defines behavior among nations.

If we want an Asia fashioned on such ideals, a democratic, prosperous, tolerant, pluralistic, stable Asia, if we want an Asia where our vital interests are secure, then it is necessary for us to reexamine old assumptions.

It is imperative for India and the United States to work together more closely in pursuit of these goals. In the years ahead, a strong, democratic and economically prosperous India standing at the crossroads of all of the major cultural and economic zones of Asia will be an indispensable factor of stability in the region.

Our cooperation for peace and stability requires us to also define the principles of our own engagement. We must be prepared to accommodate our respective concerns. We must have mutual confidence to acknowledge our respective roles and complementary responsibilities in areas of vital importance to each of us.

Security issues have cast a shadow on our relationship. I believe this is unnecessary. We have much in common and no clash of interests.

We both share a commitment to ultimately eliminating nuclear weapons. We have both declared voluntary moratoriums on testing.

India understands your concerns. We do not wish to unravel your nonproliferation efforts. We wish you to understand our security concerns.

We are at a historic moment in our ties. As we embark on our common endeavor to build a new relationship, we must give practical shape to our shared belief that democracies can be friends, partners, and allies.

In recent years, through all of the good and difficult times, we have spoken to each other more often than we have ever done in the past. I thank President Clinton for his leadership and vision in steering this dialogue. I sincerely thank Members of this Congress for supporting and encouraging this process.

As we talk with candor, we open the doors to new possibilities and new areas of cooperation, in advancing democracy, in combating terrorism, in energy and environment, science and technology, and in international peacekeeping. And we are discovering that our shared values and common interests are leading us to seek a natural partnership of shared endeavors.

India and the United States have taken a decisive step away from the past. The dawn of the new century has marked a new beginning in our relations.

Let us work to fulfill this promise and the hope of today.

Let us remove the shadow of hesitation that lies between us and our joint vision.

Let us use the strength of all that we have in common to build together a future that we wish for ourselves and for the world that we live in.

Thank you.

(Applause, the Members rising.)

At 10 o'clock and 28 minutes a.m., the Prime Minister of India, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Acting Dean of the Diplomatic Corps.

□ 1030

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 30 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until approximately 11 a.m.

□ 1104

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 11 o'clock and 4 minutes a.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minute speeches.

CALL TO PAY OFF OUR DEBT

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

Mr. GIBBONS. Mr. Speaker, a call to action has been given. The Clinton-Gore administration has been called upon to join this Republican Congress in protecting the future of the younger generations of Americans.

The Republican leadership has called upon the President to make a real commitment by joining our effort to use up to 90 percent of the surplus to pay off the national debt.

Yet, what has been the President's response to this call to action? Well, so far it has been ambivalence. He has said, well, that depends on ''what the various spending commitments are.''

Well, Mr. President, that simply is not good enough. It is time to stop wasteful Washington spending and pay off our national debt.

This fiscally responsible Republican Congress is protecting the Social Security and Medicare Trust Funds; and now it is time to pay off the public debt so that our children will not be burdened by it in the future.

Mr. Speaker, I call upon the administration to join with us and my colleagues on this fair, middle ground to pay off our national debt and to protect the future of our Nation and of our children.

CHILDHOOD CANCER MONTH

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, September is Childhood Cancer Month.

Unfortunately, today cancer is the number one disease killer of children. This devastation knows no boundaries. It cuts across all social, economic and ethnic groups.

This year alone, an estimated 12,400 children will be diagnosed with cancer and 2,300 will die from the disease.

Despite the advances in early detection and treatment, only two-thirds of children diagnosed with cancer survive. And data shows that the incidence of cancer among children has increased 20 percent over the past 20 years.

So this must stop.

Even though the majority of children's leukemia are now curable, mortality is still substantial among children with solid tumors.

The progress in medical research in childhood cancer should be celebrated, but much more work needs to be done in pediatric cancer research.

Unfortunately, Mr. Speaker, childhood cancer still remains an underrecognized and underserved need.

The time to change is now. Our children are our future.

DISPUTE OVER KASHMIR

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

Mr. PITTS. Madam Speaker, I rise today to speak about the refugees and others who suffer as a result of the dispute over Kashmir between India and Pakistan.

We heard earlier in joint session about the suffering on the Indian side. Well, earlier this year I visited a camp on the Pakistani side that was filled with Kashmiris who were wounded or who had relatives who were wounded or dead from fighting. Several had their limbs cut off by their Indian adversaries.

These Kashmiris pleaded with me to urge the U.N. to get involved and somehow bring an end to the bloodshed and suffering of the Kashmiri people and relief to the refugees. They are called displaced persons, not refugees, so they are ineligible for relief.

Some reports suggest that over a million people have become refugees since 1947 as a result of the conflict.

Madam Speaker, I urge Secretary General Kofi Annan to appoint a special enjoy to help bring an end to this conflict to get the two sides to the negotiating table. I urge the governments of Pakistan and India to dialogue with each other, find a solution to this long, drawn out conflict.

And why not allow the Kashmiris to hold a referendum for self-determination? India is the world's largest democracy. What is wrong with letting people in Kashmir vote on their future?

In the meantime, forces should pull back from the line of conflict and relief should be provided to the suffering refugees of Kashmir.

''IN GOD IS OUR TRUST''

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

Mr. SCHAFFER. Madam Speaker, on this day, 186 years ago in 1814, Francis Scott Key penned the Star-Spangled Banner. Key was both a prominent attorney and a man of strong Christian faith and convictions. In fact, he was one of the early leaders of the American Sunday School movement. And while a U.S. Attorney under President Andrew Jackson, Key carried on significant discourses about faith with leading Members of the United States Congress.

It is no surprise, then, that the fourth version of Key's Star-Spangled Banner sets forth the religious language of our national motto years before it was officially adopted. Recalling the language of that fourth verse:

''Blest with vict'ry and peace may the Heaven rescued land

''Praise the Power that hath made and preserved us a nation!

''Then conquer we must, when our cause it is just,

''And this be our motto, 'In God is our trust.'

''And the star-spangled banner in triumph shall wave.

''O'er the land of the free and the home of the brave.''

''In God is Our Trust'' was penned by Francis Scott Key as our national motto on this day in 1814; and the truth of that motto is as real today as it was 186 years ago.

NFL HOUSTON TEXANS

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

Mr. GREEN of Texas. Madam Speaker, it has been 3 long years and Houston once again has a professional football team, an NFL team. That name last week was decided to be the Houston Texans.

Since 1997, when the Oilers left Houston to go on to Tennessee, football fans have hoped and dreamed for this moment. In Houston it was a long and hard road. Even though it is only 3 years, it seems like many more.

I want to thank the owner who brought the NFL back to Houston, Bob McNair. Without his hard work, dedication and effort, we would not have this possible, but also to the people of Houston and Harris County who voted to build the new stadium right next to the eighth wonder of the world, the Astrodome.

As any Texan can tell us, football is more than just a sport or game, it is a religion in Texas. Texans are crazy about football, and Houstonians are now crazy about the Houston Texans.

Professional football has a long history in my hometown. In the early days of the AFL, the Houston Oilers were a powerhouse, winning the championships in 1961 and 1962; and when they merged the AFL and NFL, Houston was competitive each year.

Such great players as Dan Pastorini, Earl Campbell, and Billy ''White Shoes'' Johnson led our team to the brink of the Super Bowl.

Houstonians continue to stand by their team in good times and in bad, and now we are ready for the professional Houston Texans.

Madam Speaker, I look forward to the on-field debut of the Houston Texans in 2002. I am eager to resume our annual Governor's Cup with a victory over the Dallas Cowboys.

CHILDHOOD CANCER MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, when we think of a day in the life of a child, we may immediately think of toys, playgrounds, and laughter. Rarely, if ever, do chemotherapy, hospitalization, and blood transfusions come to mind.

Yet, the harsh reality is that they will become just a routine part of the day for the well over 12,000 children who will become victims of cancer this year.

Cancer is the number one killer of children, and its incidence has been rising every year for the past 20 years.

Alexander Zimmerman, the 4-year-old son of my district director, is currently fighting a rare form of a brain tumor.

And we cannot forget Caroline, the daughter of our colleague the gentlewoman from Ohio (Ms. PRYCE), who recently passed away from her battle with neuroblastoma.

Pediatric oncology remains underrecognized and underserved, which is why Congress should fund what could be the largest children's oncology facility in the Nation, the University of Miami's Batchelor Children's Center.

We believe that if Congress does its part, things like playgrounds, toys, and laughter will once again become the daily routine.

We should also fund graduate medical education for pediatric hospitals, such as Miami Children's Hospital, which trains our Nation's leading pediatric oncologists.

This September, as we commemorate Childhood Cancer Month, I urge my colleagues to fund efforts toward pediatric cancer research because every child's life is precious.

TRAGIC PASSING OF ENSIGN KRISTOPHER KROHNE

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

Mr. BILBRAY. Madam Speaker, I come to the well of the House floor to talk about a very sad case, the tragic death of a former intern of mine, Kris Krohne.

Kris was an honorable and ambitious young man who died pursuing his dream of serving this country as a Naval aviator. Last Wednesday, Navy Ensign Kris Krohne was performing his second solo flight at Vance Air Force Base when his plane crashed. Kris was only 24 years old.

As a parent who has lost a son, my heart goes out to his parents, both retired Naval officers, Theodore and Kay, and his brother Karl. I extend my sympathies from those of us in the entire San Diego community to them.

I remember Kris as a bright and personable student who worked hard while interning in my office in D.C. in the spring of 1998. I was saddened to hear of his sudden death.

Kris' spirit will live on in the hearts and minds of everyone he touched. We will never forget the great contribution he made to our office and what a great and dedicated American he was to want to serve his country.

Our thoughts and our prayers go out to his family, and we will all be praying for them in their time of grief.

□ 1115

GENERAL LEAVE

Mr. ISTOOK. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include tabular and extraneous material during further consideration of H.R. 4942.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4942.

□ 1116

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, July 26, 2000, pending was amendment number 23 printed in the CONGRESSIONAL RECORD by the gentlewoman from the District of Columbia (Ms. NORTON).

The gentlewoman from the District of Columbia (Ms. NORTON) has 9 minutes remaining in debate and the gentleman from Oklahoma (Mr. ISTOOK) has 11½ minutes remaining in debate.

The gentlewoman from the District of Columbia (Ms. NORTON) is recognized.

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

Mr. Chairman, Members will recall that the matter involving contraception turned on when a veto would take place. The mayor had promised a veto. He believed that a pocket veto was the appropriate way to proceed because, as this body well knows, if a veto is straight out that is a declaration of war. There may be a compromise thereafter, but it is a little more difficult. So my amendment addressed the notion that the mayor should be allowed to pocket veto and we should respect his word that a pocket veto would take place. That pocket veto has taken place.

The chairman knows that he had written language that was otherwise acceptable to me. It is perhaps not the exact language I would have written with respect to contraception, but I had discussions with him concerning his language. I understand his concern on his side of the aisle. I have asked my own Members on this side of the aisle to consider that what we are trying to do is to get some kind of understanding that we can all live with to get this bill passed. I am not prepared to ask for anything further now that the bill has been vetoed, except that I would like to ask the chairman if that is satisfactory to him and, if so, if he would accept my amendment.

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

Mr. Chairman, as the gentlewoman from the District of Columbia (Ms. NORTON) correctly states, we were in a situation where her amendment was simply trying to strike language from the bill which would disapprove pending legislation in the District of Columbia. That legislation, since we were here last on this bill, has been pocket vetoed by the mayor of the District of Columbia. Therefore, there is no need to have the language in the bill whereby Congress disapproves that local legislation because, indeed, it has already been disapproved by the action of the mayor. Therefore, there is no need for the language in the bill and certainly I am ready to accept, and I believe our side is ready to accept, the amendment from the gentlewoman.

For clarification, for anyone, lest there be any confusion, the amendment that is under consideration right now offered by the gentlewoman from the District of Columbia (Ms. NORTON) simply says that Congress is not taking action to disapprove this legislation by the District. However, there remains intact, it is not affected by the amendment, the congressional instructions to the District that any legislation regarding mandatory coverage of contraceptives and insurance must include a conscience clause. The amendment of the gentlewoman from the District of Columbia (Ms. NORTON) does not touch that language in the bill. That language remains.

I think that is what she is referring to as far as the good faith concerns of a great many Members. Since the item in the bill is moot, there is no need for the language in subsection (a) and I certainly agree to accept the amendment of the gentlewoman from the District of Columbia (Ms. NORTON), and if the gentlewoman from the District of Columbia (Ms. NORTON) is agreeable, I would like to ask that we both yield back the remainder of our time so we may be done with this item.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Norton amendment.

I am appalled that this House is trying to stop the D.C. City Council from implementing a measure they've already approved!

This is a true sign that some of my colleagues want to trample the rights of the city council and people of this district.

I know that the people of our districts wouldn't stand for this!

The language in this bill that prohibits health care coverage for contraceptives discriminates against the women of D.C.—just because they live here.

We must stand up for the rights of all women to have access to contraceptive coverage, by voting to allow access to contraceptives here in the District of Columbia.

Contraceptive care gives our mothers and families the ability to make important choices that affect their lives. And, we know that unwanted pregnancy and abortion rates drop when women have access to preventive reproductive health care.

Let's let women make decisions about their reproductive health with their doctors.

I urge my colleagues to support the Norton amendment to make contraceptive coverage accessible to the women of D.C.

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

Mr. ISTOOK. Mr. Chairman, I ask that the amendment be accepted, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was agreed to.

The CHAIRMAN pro tempore. Without objection, the remainder of the bill is considered as read, printed in the RECORD, and open to amendment at any point.

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 169. (a) Chapter 23 of title 11, District of Columbia, is hereby repealed.

(b) The table of chapters for title 11, District of Columbia, is amended by striking the item relating to chapter 23.

(c) The amendments made by this section shall take effect on the date on which legislation enacted by the Council of the District of Columbia to establish the Office of the Chief Medical Examiner in the executive branch of the government of the District of Columbia takes effect.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 170. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11–2604 and section 11–2605, DC Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, DC Code; or

(3) a payment for counsel authorized under section 21–2060, DC Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals after the expiration of the 90-day period which begins on the date of the enactment of this Act.

This Act may be cited as the ''District of Columbia Appropriations Act, 2001.''

AMENDMENT NO. 3 OFFERED BY MR. BILBRAY

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BILBRAY:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. ___. (a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

(b) EXCEPTIONS.—

(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed $50.

(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.

(d) EFFECTIVE DATE.—This section shall apply during fiscal year 2001 and each succeeding fiscal year.

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

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

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

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

Mr. BILBRAY. Mr. Chairman, I am sorry that we have to be discussing this item again this year. It is an item that I had brought before this body two previous years. Last year, I agreed, after a request by the legislative body of the City of Washington, D.C., and the mayor, that they be allowed to address this issue. I withdrew it last year, as a courtesy to the local city council and the mayor, on the possibility that they could address a gap in the law that governs our Federal District.

Sadly to say, Mr. Chairman, the action after 12 months has not been forthcoming as indicated at that time. All my bill does, Mr. Chairman, is point out the fact that when we talk about tobacco possession use and abuse by minors, we need to do everything that we can to avoid the problem before it starts.

Now I think that we all agree that the most critical thing we can do in the United States to avoid the hideous deaths related to tobacco consumption is to keep our young people from getting involved at an early age. The strategies in many States across the country, including my own State of California, has been to address the purchase and use issue, among minors and adults. The use in public is very strongly restricted in California, but then California and many States have realized that there was a gaping hole in the tobacco approach. The anti-tobacco approach had a gaping hole that sent the wrong message to our young people, and that wrong message was, well, one cannot legally buy it but once they have possession they can smoke it all they want; they can possess it all they want.

Mr. Chairman, I would just like to point out how inconsistent that message is to our young people. I am a parent of five children. My children have spent a lot of time here in the Federal District and, frankly, I think all of us should be concerned about the message that we send to young people about the possession and use of tobacco.

I do not think any reasonable parent would want the United States Government to send a message that underage use and possession of tobacco is okay, but we also would not want to send the same message about alcohol consumption.

Now, I cannot fathom how we have overlooked this issue for so long. We would not do it with alcohol. If young people were walking down the street with a six pack of beer, we would expect the law to address the item. Sadly, here in Washington, D.C., the law does not address children walking down the street with a pack of cigarettes.

This mixed message needs to be corrected, and I know there are those that like us, as the Congress, to look the

other way, not get involved with this issue, but I think for all of us, especially somebody like myself who not only have children but serve on the Subcommittee on Health and Environment, to say that Washington will set the example that underage purchase, possession, and use of tobacco is not acceptable and it is not something we will stand by and ignore for any longer.

Mr. Chairman, all my bill proposes to do is to apply the same regulation technique here in Washington, D.C., as is applied in Virginia and in Maryland. We have both States surrounding this Federal District that have said that minors' possession and use of tobacco is not acceptable and should be outlawed. All I am asking is, as Congress, under our responsibility under the Constitution, as the legislative body that would serve very parallel to what the State legislature in Maryland and Virginia have done and that is to say that minor possession is no longer acceptable within our jurisdiction.

All we are saying is that we will no longer stand by while Washington, D.C., remains an oasis, a sanctuary, for underage consumption of tobacco and that we will support the surrounding communities in this strategy of eradicating as much of minor consumption as possible, starting by setting the example that possession and use of tobacco by minors is not only inappropriate it is wrong and it should be illegal.

DISTRICT OF COLUMBIA CODE

§§ 25–130. Purchase, possession or consumption by persons under 21; misrepresentation of age; penalties.

(a) No person who is under 21 years of age shall purchase, attempt to purchase, possess, or drink any alcoholic beverage in the District, except that a person who is under 21 years of age may temporarily possess an alcoholic beverage if the temporary possession is necessary to perform lawful employment responsibilities.

(b) No person shall falsely represent his or her age, or possess or present as proof of age an identification document which is in any way fraudulent, for the purpose of procuring an alcoholic beverage in the District.

(b–1) Any person under 21 years of age who falsely represents his or her age for the purpose of procuring alcoholic any beverage shall be deemed guilty of a misdemeanor and be fined for each offense not more than $300, and in default in the payment of the fine shall be imprisoned not exceeding 30 days.

(b–2) A civil fine may be imposed as an alternative sanction for any infraction of this section, or any rules or regulations issued under the authority of this chapter, pursuant to §§6–2701 to 6–2723 (''Civil Infractions Act''). Adjudication of any infraction of this section shall be pursuant to §6–2723.

(c) In addition to the penalties provided in subsections (b–1) and (b–2) of this section, any person who violates any provision of this section shall be subject to the following additional penalties:

(1) Upon the first violation, shall have his or her driving privileges in the District suspended for a period of 90 consecutive days;

(2) Upon the second violation, shall have his or her driving privileges in the District suspended for a period of 180 days; and

(3) Upon the third violation and each subsequent violation, shall have his or her driving privileges in the District suspended for a period of 1 year.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 2000.

Hon. ANTHONY WILLIAMS,
Mayor, District of Columbia
Washington, DC.

DEAR MAYOR WILLIAMS: Thank you for your correspondence regarding the recent hearing by the City Council of the District of Columbia on legislation related to the prohibition of tobacco product sales to minors.

I appreciate your response to my letter dated April 10, 2000 and I am encouraged that the City Council is addressing the issue of tobacco use by minors. As mentioned in my previous letter, the amendment that I have introduced each of the last two years, and which we personally discussed last year, focuses on minor possession and use of tobacco.

Virginia, Maryland, and over twenty other states have enacted youth possession and consumption laws. It is my belief that we can crack down on the possession of youth tobacco by passing a common sense law similar to what I have introduced in the past and at the same time continue to increase efforts at the point of sales to hold negligent merchants accountable for their illegal actions when they sell tobacco products illegally to minors.

I would like to see parity between youth possession of tobacco and youth possession of alcohol. In all cities across the country, alcohol consumption and possession by minors is prohibited. This is because alcohol is an adult product, tobacco needs to receive the same type of recognition and enforcement.

If we want to be serious about combating the use of tobacco by minors we need to approach this issue on several fronts. As a former mayor myself, I appreciate your hard work on this issue, the progress being made and the inherent challenges of leadership on such issues of controversy. However, as we get deeper into the appropriations process in this second session of the 106th Congress, I want to inform you of my intention to reintroduce my amendment.

As mentioned previously, my amendment is very straightforward. It contains a penalty section, which was modeled after the state of Virginia's penalty section for minors found in violation of tobacco possession. For the first violation, the minor would, at the discretion of the judge, be subject to a civil penalty not to exceed $50. For the second violation, the minor would be subject to a civil penalty not to exceed $100. For a third or subsequent violation, the minor would have his or her driver's license suspended for a period of 90 consecutive days. The 90 day suspension is consistent with penalties for minor possession of alcohol in the District of Columbia. Any minor found to be in possession of tobacco may also be required to perform community service or attend a tobacco cessation program. Each of these penalties are at the judge's discretion. it contains a provision to exempt from this prohibition a minor individual ''making a delivery of cigarettes or tobacco products in his or her employment'' while on the job.

As an original cosponsor of the strongest anti-tobacco bill in the 105th Congress, the Bipartisan NO Tobacco for Kids Act (H.R. 3868), the intentions of my amendment is to encourage youth to take responsibility for their actions. Mayor Williams, I look forward to working with you on this issue and on legislation that will deter youth in the District of Columbia from ever starting the deadly habit of smoking in the first place.

Sincerely,

BRIAN P. BILBRAY,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 10, 2000.

Hon. ANTHONY WILLIAMS,
Mayor, District of Columbia,
Washington, DC.

DEAR MAYOR WILLIAMS: I am writing to make you aware of my intentions to introduce an amendment to the Fiscal Year 2001 D.C. Appropriations Act that will prohibit individuals under the age of 18 years old from possessing and consuming tobacco products in the District of Columbia.

As you remember, we discussed this issue last year during the debate on the FY 2000 D.C. Appropriation Act (H.R. 2587). At that time I had introduced the same amendment, but withdrew it after receiving direct confirmation from you that this issue would be addressed on the local level. However, I have been informed that local action on this initiative has not, to date. I understand that legislation was sent to the Judiciary Committee of the D.C. Council, but was recently withdrawn. As a former mayor myself, I appreciate your hard work on this issue and the inherent challenges of leadership on such issues of controversy. However, as we get deeper into the appropriations process in the second session of the 106th Congress, I believe the time has come to act.

I think it is important that all levels of government work together to help stop children from smoking. I also believe we should send the right message to our children, and the first step in this process would be for the District of Columbia to join Virginia, Maryland, and the twenty other states who have passed youth possession and consumption laws. I would appreciate knowing of your intentions, and to work with you and Members on both sides of the aisle in 2000 to make sure this important piece of legislation becomes law.

To give you some background on this issue. I first introduced this amendment during the 105th Congress, where it received strong bipartisan support and passed through the House by a 238–138 vote on August 6, 1998; however it was not included in the final conference report. At the time I initially introduced this amendment only 21 states in the nation had minor possession laws outlawing tobacco, and my amendment would have added the District of Columbia to this growing list of states.

My amendment is very straight forward and easy to understand. It contains a provision to exempt from this prohibition a minor individual ''making a delivery of cigarettes or tobacco products in his or her employment'' while on the job. My amendment also contains a penalty section, which was modified after the state of Virginia's penalty section for minors found in violation of tobacco possession. For the first violation, the minor would, at the discretion of the judge, be subject to a civil penalty not to exceed $50. For the second violation, the minor would be subject to a civil penalty not to exceed $100. For a third or subsequent violation, the minor would have his or her driver's license suspended for a period of 90 consecutive days. The 90 day suspension is consistent with penalties for minor possession of alcohol in the District of Columbia. Any minor found to be in possession of tobacco may also be required to perform community service or attend a tobacco cessation program. Each of these penalties are at the judge's discretion.

I understand that the District of Columbia already has tough laws on the books to address the issue of sales of tobacco to minors.

My amendment focuses specifically on the possession of tobacco products by minors in order to put minor possession of tobacco with minor possession of alcohol. All three cities in my district have passed anti-possession laws, so I am not asking the District to do anything my own communities have not already done.

As an original cosponsor of the strongest anti-tobacco bill in the 105th Congress, the Bipartisan NO Tobacco for Kids Act (H.R. 3638), the intentions of my amendment is to encourage youth to take responsibility for their actions. Mayor Williams, I look forward to your response on this issue and to working together on legislation that will deter youth in the District of Columbia from ever starting the deadly habit of smoking in the first place.

Sincerely,

BRIAN P. BILBRAY,
Member of Congress.

AMERICAN LUNG ASSOCIATION,
New York, NY, July 26, 2000.

DEAR REPRESENTATIVE: The American Lung Association opposes the Bilbray amendment to the District of Columbia Appropriations bill that penalizes kids for the possession of tobacco products.

Penalizing children has not been proven to be an effective technique to reduce underage tobacco usage. In fact, penalties may adversely affect existing programs that are proven to work and are required, such as compliance checks utilizing young people. The Bilbray amendment would make these checks illegal. The Synar Amendment on marketing tobacco to children could not be enforced because it would be illegal for supervised teens to attempt to purchase tobacco.

Attempts to put the blame on our children, the pawns of decades of sophisticated marketing by the tobacco industry, instead of the manufacturers and retailers, is just another smokescreen by big tobacco. The tobacco industry favors shifting both the blame and the attention away from their marketing efforts onto the shoulders of young persons.

For example, a 1995 study by the Maryland Department of Health and Mental Hygiene discovered that 480 minors were penalized for possessing tobacco but no merchants were fined for selling tobacco to minors. On July 16 and 21, 1998, the American Lung Association conducted an undercover ''sting'' operation to determine whether teens could purchase tobacco in the U.S. Capitol complex. Five out of nine attempts were successful, and in the House office buildings, all attempts were successful. Here is clear proof that existing laws regarding selling to teens are not being enforced. Existing laws and regulations need to be enforced.

The tobacco industry favors criminalizing our kids. This alone should be adequate reason to reject the Bilbray amendment to the D.C. appropriations bill.

Sincerely,

JOHN R. GARRISON,
Chief Executive Officer.

DISTRICT OF COLUMBIA, *May 21, 1999.*

Hon. BRIAN BILBRAY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BILBRAY: Thank you for your letter sharing your concern about teenage smoking in the District and your congratulations on my November election to the Office of Mayor.

In response to your inquiry, the District of Columbia is addressing the issue of teen smoking through a variety of methods. DC Public Schools has two programs—The Great American Smoke-out and ''2 Smart 2 Smoke''—to raise children's awareness of the dangers of smoking. Additionally, the Department of Health supports the efforts of local and community-based initiatives like ''Ad-Up, Word-Up and Speak-Out,'' which encourages school age children to perform their own research on the effects of advertising directed at children.

Finally, the school system recently elevated possession of tobacco to a ''level one'' infraction—which means violators could incur the most severe disciplinary measures, including possible suspension. To assess our progress, the District is tracking youth smoking related data through grants provided by the Center for Disease Control.

I want to assure you that I share your concerns about teenage smokers. Sandra Allen, Chairperson of the City Council's Committee on Human Services, and I are working diligently to strengthen enforcement which should, in combination with the other initiatives, result in a real reduction in teenage smoking. We believe that the cumulative effect of these initiatives will have marked improvement on the incidence of teen smoking.

Again thank you for bringing this issue to the forefront of my attention. I agree that discouraging our youth from engaging in this terrible habit of smoking is very important in the fight to curtail tobacco's tragic and inevitable long-term effects.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

DISTRICT OF COLUMBIA, *May 16, 2000.*

Hon. BRIAN P. BILBRAY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BILBRAY: Thank you for contacting me regarding legislation to prohibit minors from the possession and consumption of tobacco products.

I am committed to working with the City Council of the District of Columbia to protect our children from harmful tobacco products. As part of my commitment to limiting tobacco use, my Fiscal Year 2001 Budget directs the use of Tobacco Settlement Fund dollars for tobacco control, prevention efforts, health promotion and education.

The Council's Committee on Consumer and Regulatory Affairs will consider legislation to prohibit youth consumption of tobacco products, Bill 13–60, the ''Enforcement of the Prohibition of Tobacco Product Sales to Minors Act.'' The bill prohibits the sale of tobacco to minors, increases fines for the sale of tobacco to minors, and prohibits self-service displays, certain advertisements and vending machine sales of tobacco products. Under the legislation, the Department of Health would also be authorized to conduct random inspections of retail establishments that sell tobacco products. On Wednesday, May 10, 2000, the Committee on Consumer and Regulatory Affairs held a public hearing on this bill. Given your concern on this issue, I have asked the Chair, Councilwoman Sharon Ambrose to allow your amendment to be debated during the hearing.

Clearly, restricting access of tobacco sales and penalizing any business that targets or sells to youth is a priority of our local leaders. Therefore, I respectfully request that you withhold introducing your proposed legislation so that we can move forward our local proposal. As a former City Mayor, I am certain that you understand the importance of local government in these public policy issues.

Thank you for your concern for the health and safety of children in the District of Columbia.

Sincerely,

ANTHONY A. WILLIAMS,
Mayor.

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

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes in opposition.

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

Mr. Chairman, I want to respond on this amendment. Mr. Chairman, I want to put into the RECORD the fact that the American Lung Association opposes the Bilbray amendment because it penalizes kids for the possession of tobacco products.

Mr. Chairman, the American Lung Association opposes this because it is not an effective technique to reduce underage tobacco usage. The reality is that the compliance checks that are currently going on would be made illegal by this amendment.

The Synar amendment on marketing tobacco to children could not be enforced because it would be illegal for supervised teens to attempt to purchase tobacco. This an attempt to put the blame on our children, the pawns of decades of sophisticated marketing by the tobacco industry, instead of manufacturers and retailers. It shifts the blame inappropriately.

A study by the Maryland Department of Health and Mental Hygiene discovered that 480 minors were penalized for possessing tobacco and no merchants were penalized.

On July 16 and 21 of 1998, the American Lung Association conducted an undercover sting operation to determine whether teens could purchase tobacco in the U.S. Capitol complex. Five out of nine attempts were successful, and in the House office buildings all attempts were successful in the House office buildings. This is clear proof that existing laws regarding selling to teens are not being enforced. They need to be enforced first. Let us not criminalize our kids.

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

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

Ms. NORTON. Mr. Chairman, I thank the gentleman from Virginia (Mr. MORAN) for yielding me this time.

Mr. Chairman, I would like to put the American Lung Association letter in the RECORD and the Tobacco Free Kids letter in the RECORD opposing the Bilbray amendment.

I am outraged at the amendment of the gentleman from California (Mr. BILBRAY). He brings forward this amendment when the city council is in the midst of considering the Bilbray amendment. This amendment went through the House in 1999, the first year of Mayor Williams' term, despite a personal plea from Mayor Williams that he would like to try another approach in the District.

That provision, the Bilbray provision, was one reason why the bill was vetoed in 1999. The provision was removed and sent back here and here comes the Bilbray amendment again.

Mayor Williams knows his city. The gentleman from California (Mr. BILBRAY) does not know Mayor Williams' city.

The mayor again wrote the gentleman from California (Mr. BILBRAY) in May, after another threat by the gentleman from California (Mr. BILBRAY) to intrude in local affairs was received. Mayor Williams had already partially responded to the gentleman from California (Mr. BILBRAY). His budget that we are considering now funds a smoking prevention program for minors.

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This in addition to the bill that is in the council, the mayor wrote to the gentleman from California (Mr. BILBRAY). And I am quoting, ''I respectfully request that you withhold introducing your proposed legislation.'' I thank the gentleman for his respect of our mayor.

He continued, ''so that we can move forward to consider your proposal along with our own local proposal.'' And he said, ''as a former city mayor, I am certain that you understand the importance of local government in these public policy issues.''

The gentleman apparently understands how important local knowledge and local prerogatives are as applied to his city of Imperial Beach, California, and he understands it in all the gentleman speeches about devolution, but like an authoritarian rule, the gentleman is trying to impose legislation on a city that is already going strong on a tough issue and in the midst of considering the gentleman's approach among others.

In the District, elevation of possession of tobacco to a level 1 infraction in the D.C. public schools has to be very carefully considered. Shall we do that or not when the measure imposes suspension on a city with one of the highest dropout rates in the country, is that the best thing for my city? I do not think so.

I do not even think I know, but I do think that the mayor of this city knows. He asked the gentleman not to introduce it, and I am asking this Congress not to move forward with it. The mayor and the council have done the gentleman from California (Mr. BILBRAY) a courtesy.

The gentleman has refused to do them that today. They are considering the gentleman's approach. Hearings have been held. I am sorry we do not move at the pace the gentleman would like. There are other matters that have to be considered, like our own appropriations that are here, like the fact that our city is just out of insolvency.

But we have said that we will consider the gentleman's approach. We are considering the gentleman's approach. This debate is not about inaction. Our city has moved to put before the entire city council Mr. BILBRAY's approach. He wants his action. This is a free country I say to the gentleman.

We do not impose smoking codes on cities. We allow cities to decide what is best for themselves.

AMERICAN LUNG ASSOCIATION,
Washington, DC, July 25, 2000.

DEAR REPRESENTATIVE: The American Lung Association opposes the Bilbray amendment to the District of Columbia Appropriations bill that penalizes kids for the possession of tobacco products.

Penalizing children has not been proven to be an effective technique to reduce underage tobacco usage. In fact, penalties may adversely effect existing programs that are proven to work and are required, such as compliance checks utilizing young people. The Bilbray amendment would make these checks illegal. The Synar Amendment on marketing tobacco to children could not be enforced because it would be illegal for supervised teens to attempt to purchase tobacco.

Attempts to put the blame on our children, the pawns of decades of sophisticated marketing by the tobacco industry, instead of the manufactures and retailers, is just another smokescreen by big tobacco. The tobacco industry favors shifting both the blame and the attention away from their marketing efforts onto the shoulders of young persons.

For example, a 1995 study by the Maryland Department of Health and Mental Hygiene discovered that 480 minors were penalized for possessing tobacco but no merchants were fined for selling tobacco to minors. On July 16 and 21, 1998, the American Lung Association conducted an undercover ''sting'' operation to determine whether teens could purchase tobacco in the U.S. Capitol complex. Five out of nine attempts were successful, and in the House office buildings, all attempts were successful. Here is clear proof that existing laws regarding selling to teens are not being enforced. Existing laws and regulations need to be enforced.

The tobacco industry favors criminalizing our kids. This alone should be adequate reason to reject the Bilbray amendment to the D.C. appropriations bill.

Sincerely,

JOHN R. GARRISON,
Chief Executive Officer.

JULY 25, 2000.

Hon. HENRY A. WAXMAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WAXMAN: The Campaign for Tobacco-Free Kids opposes the amendment that may be offered tomorrow by Representative Bilbray to the District of Columbia appropriations bill. This amendment would penalize youth for possession of tobacco products without creating a thoughtful, comprehensive plan to reduce tobacco use among children and without first ensuring that adults who illegally sell tobacco to kids are held responsible.

There is no silver bullet to reducing tobacco use among kids, but this amendment, in the absence of other effective policies, will do little to end tobacco's grip on the children of D.C. There is little evidence to indicate that in the absence of a concerted, comprehensive program, penalizing kids will work to reduce tobacco use rates. A comprehensive, effective program should include not only vigorous enforcement of laws against selling tobacco to kids, but also public education efforts, community and school-based programs, and help for smokers who want to quit.

The narrow focus of this amendment will further divert resources away from effective enforcement of the current laws that prohibit retailers from selling to kids. Although the District of Columbia penalizes retailers for selling to kids, this law is not being enforced adequately. According to Department of Health and Human Services, compliance checks showed that 46.8 percent of retailers in D.C. sell tobacco products to minors.

Additionally, this amendment does not address the fact that the tobacco industry spends more than $6.8 billion a year marketing its products. Kids in D.C. continually see tobacco ads on storefronts and in magazines. The tobacco industry's marketing tactics work: 85 percent of kids who smoke use the three most heavily advertised brands (Marlboro, Camel and Newport). In addition, the success of the tobacco industry targeted marketing efforts is evidenced by the fact that 75 percent of young African Americans smoke Newport, a brand heavily marketed to this group.

Any discussion of holding children responsible for their addiction to tobacco should only come after or as part of a comprehensive approach, which insures that adults are being held responsible for marketing and selling to children. Therefore, we ask that you oppose this amendment. Thank you.

Sincerely,

MATTHEW L. MYERS,
President.

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

Mr. Chairman, the Lung Association's concern about the sting operations, have been clarified by the legislative council. My bill does not obstruct sting operations or conflict with provisions in the Synar amendment. These objections are misplaced. All I have to say to the gentlewoman from Washington, D.C. (Ms. NORTON), the City of Alexandria, the City of Baltimore had their legislature require them to treat tobacco possession and use by minors as a law. They were not violated by that.

Cities have certain responsibilities, as a mayor I know that, but so do legislatures. We serve as that legislature, like it or not. It is a constitutional obligation and for those of us who have spent a lot of time fighting the tobacco industry and fighting consumption for tobacco, for us to walk away from this opportunity for another year, it shows the hypocrisy of an institution that cannot do its fair share of fighting underage consumption.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the Bilbray amendment.

For decades the tobacco companies have acted more recklessly and caused more harm than any other industry in America. They lied to the American public. They manipulated nicotine in order to addict. And they deliberately targeted our children.

Yet this Congress has failed to act.

Earlier this year, when the Supreme Court ruled that the Congress has not given the Food and Drug Administration explicit authority to regulate tobacco, the Court recognized that tobacco use ''poses perhaps the single most significant threat to public health in the United States.'' The Court decision placed responsibility to deal with this crisis squarely in Congress' lap.

But since that decision in March, this Congress has done nothing. The Republican leadership has not held a single hearing on the problem nor brought any tobacco reform legislation to the floor.

In fact, the only tobacco legislation we considered was a rider to block the tobacco lawsuit and deny veterans their day in court.

This Congress should pass meaningful tobacco legislation. We should grant the FDA explicit authority to regulate tobacco. We should pass performance standards to give the industry meaningful economic incentives to reduce the number of children that smoke. We should pass a national policy on environmental tobacco smoke and put in place a nationwide public education campaign. Together these measures will succeed in reducing the number of children who smoke and will save million of lives for generations to come.

The amendment before us today may not do any harm—but there is little evidence it will do any significant good. Public health organizations oppose it. The Campaign for Tobacco-Free Kids says that this amendment will ''do little to end tobacco's grip on the children of D.C.'' The American Lung Association states that penalizing children ''may adversely effect existing programs that are proven to work.''

This Congress has abandoned any meaningful national effort to regulate tobacco and to reduce tobacco use among our children. Instead, it is now proposing to legislate questionable policy for just one city.

The Mayor and the City Council of D.C. should be given the opportunity to decide what comprehensive tobacco control policies work best for the children of this city. Just this past May, the City Council held a public hearing on the Bilbray amendment and other measures to prohibit youth consumption of tobacco products. They expect to take up the issue when they meet again this fall. We should allow D.C. to continue with its process and decide what tobacco control policies work best for the city—just like thousands of other city councils in the rest of the country.

In considering this amendment, don't delude yourself and believe that this approach will reduce tobacco use among our children. The reality is that we need to pass comprehensive tobacco control legislation. We bear the responsibility to protect our children and to hold the tobacco companies accountable for their actions.

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

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

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

Mr. BILBRAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California (Mr. BILBRAY) will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. TIAHRT

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TIAHRT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. (a) No person may distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public housing project, public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity.

(b) Whoever violates subsection (a) shall be fined not more than $500 for each needle or syringe distributed in violation of such subsection.

(c) Notwithstanding any other provision of law, any amount collected by the District of Columbia pursuant to subsection (b) shall be deposited in a separate account of the General Fund of the District of Columbia and used exclusively to carry out (either directly or by contract) drug prevention or treatment programs. For purposes of this subsection, no program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug may be considered a drug prevention or treatment program.

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

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

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

The amendment that I am offering gives us a clear choice between protecting the children of the District of Columbia or protecting the drug addicts. The District of Columbia City Council has designated drug free school zones in hopes of protecting the children from drug pushers. Hopefully, it will keep kids from being pressured to take illegal drugs that would cheat them from a bright future.

What this amendment does is take the very same language the District of Columbia City Council has used to protect the children and to extend it to the needle exchange program. We would then have needle-free school zones around the areas where children attend school and play.

Mr. Chairman, now, this is not new language or a new concept. It simply clarifies that the exchange of needles to drug addicts should be kept out of the reach of our children, the same as we have tried to keep drugs out of their reach.

Currently, Prevention Works, a drug needle exchange program here in Washington runs 10 needle exchange sites. Of those sites, six needle exchange sites are located within 1,000 feet of at least one public school. These sites pose a very real threat to our children.

I have a map, Mr. Chairman, that was given to me by the police department here in the District of Columbia, showing the locations of where the drug free school zone applies. Those areas are designated in gray, green and pink. The pins that are pointed out here show the 10 needle exchange sites with the four that would currently not be affected by this amendment, and the six that would be affected by this amendment.

At the corner of 15th and A Street, Northeast location, a member of my staff found a piece of a needle, across the street from Eastern Senior High School, just a few feet away from where three little girls were jumping rope. I worry that contaminated needles, discarded needles from the needle exchange site may infect children just like these three girls. It is an unnecessary risk for children.

This amendment is designed to protect these girls and all children in the District of Columbia. This is a clear choice, Mr. Chairman. My colleagues can either choose to protect the children or protect the drug addicts. I hope the House will choose to protect the children.

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

Mr. MORAN of Virginia. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes in opposition.

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

Mr. Chairman, we are adamantly opposed to this. On the face of it, it looks like it might be reasonable, but it is a thousand feet away from every place, every activity where children may be involved, parks, recreation, schools, video arcades. This is a small city. If we take a 1,000 feet around the perimeter of all of these activities, the only place left to conduct this program that has been so effective, has been the most effective way of combatting a scourge that is worse than in any other city in the country, particularly affecting women and children, and that is HIV infection. This is the program that works, but we cannot conduct this program under the Tiahrt amendment, except in the Potomac River, on the White House lawn, at Bolling Air Force Base or at the Old Soldier's Home, there may be a couple other places, but there are very few, probably the Washington Mall, but there are very, very few places under this amendment that could ever conduct a program.

Effectively what it does is to say, you cannot conduct this program. It is an allegedly clever way to kill a program that works. We are adamantly opposed to it. If this stays in, I will tell my colleagues this bill will be vetoed, because we have a program that works for people who desperately need it to work.

Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, here is more veto bait. This is an attempt by the gentleman from Kansas (Mr. TIAHRT) to do what he could not do last year and to do what he was not even able to do in the Committee on Appropriations, and that is to kill the program. It is a poison bill. It is designed to kill a program that is saving the lives of children, innocent children in the District of Columbia.

Children do find needles, but the gentleman has no evidence that those needles come from the needle exchange program. They come from addicts where there are not, in fact, programs. The gentleman is not expert on how needles infect school children in the District, but the D.C. Police Chief Charles Ramsey does, and I am now quoting him from a letter he wrote the House, ''the current needle exchange program is well managed and has an exemplary return rate. I have no reports that indicate that the program has been abused in any way or created serious public policy problems in the District.''

I ask Members to listen to our police chief and not the gentleman from Kansas about what should happen in this city. This is a disease that has become a black and brown disease. It is killing African Americans. It is killing minorities. It has moved from gays to people of color.

People of color see this directed against them. They know what saves lives, and those who vote for this amendment are voting to kill men, women, and children in my district. I am asking Members to oppose this amendment and go back to what we have reluctantly accepted, and that is an amendment that is before this House that would leave us with no local funds, no Federal funds, and only a very modest and hardly standing private program that must fish for money wherever it can.

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent that both sides be granted an additional minute.

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

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, there are plenty of needles within 1000 feet of schools, housing projects and playgrounds. Unfortunately, they are dirty needles and their use is spreading AIDS and promoting drug abuse, but this amendment will do nothing, nothing to change that tragic reality. We are really kidding ourselves if we believe we can stop drug abuse by banning one of the few public health measures that actually makes a difference in the real world.

When I was prosecuting and putting people in jail for drug use, for drug trafficking, I supported local needle exchange efforts because they work. They do not encourage drug abuse, and they do save lives by halting AIDS and other serious diseases transmitted by dirty needles. Serious problems demand serious solutions. Reject this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Tiahrt amendment, because it would interfere with the District's ability to save lives, put very simply, by operating needle exchange programs which have been proven to reduce new HIV infections in this country, especially among children.

Three quarters of new HIV infection in children are a result of injection drug use by a parent. Why would we pass up an opportunity to save a child's life by shutting down programs that work? HIV/AIDS remains the leading cause of death among African Americans ages 25 to 44 in the District.

In spite of these statistics, this amendment attempts to shut down the very program that the local community has established to reduce new HIV infections. This Congress should be supporting decisions that local communities make about their healthcare, not limiting their control.

Mr. Chairman, I would just like to mention a number of organizations, the American Medical Association, the American Public Health Association have concluded that needle exchange programs are effective.

The Surgeon General's Report has said that it found conclusively that needle exchange programs reduce HIV transmission and do not increase drug use. Support local control and oppose the Tiahrt amendment.

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

Mr. Chairman, this is a clear choice. This is not about the needle exchange program. This is about protecting children. One of the comments that was made by the gentleman from Virginia (Mr. MORAN) was that this will keep the needle exchange program 1,000 feet away from the children from where they are playing; that is exactly the point. We want to protect the children.

The gentlewoman from the District of Columbia (Ms. NORTON) said there is no evidence that these needles come from the needle exchange program. Yet Calvin Fay, the director of the International Scientific and Medical Forum on Drug Abuse says, and I quote, ''first, most needle exchange programs are not exchanges at all, but are needle giveaways, since participants rarely exchange a dirty needle for a clean one, which means that the dirty needles remain on the streets.''

□ 1145

The only way we can protect the children is to keep these needle exchange programs away from the kids.

Mr. Chairman, my concern is that if this is not passed, and since there is no accounting for needles that are passed out to drug addicts, that they will be available for children to become infected by. While members may disagree on the effectiveness of the needle exchange program, I think we can all agree we do not want these infected needles in our children's midst, near public playgrounds or public pools.

Besides the immediate danger of needles themselves, I worry about the threat to children's safety that needle exchange programs do when they invite drug pushers and addicts into places where children should be safe.

I also worry the needle exchange program will send the wrong message about drug use to our children. We try to send children an unequivocal message that drugs are wrong and that they can kill you. I worry that if these drug addicts receive needles, rather than condemnation, they will not understand that drugs are wrong.

As our drug czar, Barry McCaffrey, stated: ''Above all, we have a responsibility to protect our children from ever falling victim to the false allure of drugs. We do this, first and foremost, by making sure that we send one clear, straightforward message about drugs: they are wrong, and they can kill you.''

This amendment is about the safety of our children. It is not about the effectiveness of a needle exchange program. It is a very simple choice. Those who oppose my amendment will argue that the Tiahrt amendment, if adopted, would shut down a needle exchange program in the District of Columbia. This is not true. There still are plenty of sites in the District of Columbia to conduct a needle exchange program.

Mr. Chairman, I ask the House to pass this amendment and protect the children of the District of Columbia, and I hope we will give them a higher priority than we do those who inject illegal drugs into their veins. It is a very simple choice. It is not about the needle exchange program; it is about children. You can choose between protecting the children, or protecting the drug addicts.

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I rise to speak against the Tiahrt amendment because I think it is not sound public health policy.

Mr. Chairman, I rise in strong opposition to the Tiahrt amendment which would prevent the exchange of needles within 1000 feet of schools, day care centers, playgrounds, public housing and other areas which are gathering places for children. This amendment, is nothing more than a backdoor approach to prohibit the District of Columbia from using even its own funds for needle exchange programs. The Tiahrt amendment severely limits the physical space in which a needle exchange could operate and is written so broadly that virtually no area in the District of Columbia would be eligible to have a needle exchange program.

Mr. Chairman, a July report found that one in twenty adults in the District of Columbia is currently living with HIV or AIDS. The District of Columbia has the highest rate of new HIV infections of any jurisdiction in the country. From July 1998 to June of 1999, the rate of AIDS cases reported in women was more than nine times the national rate. HIV transmission in the District via intravenous drug use disproportionately affects women and African-Americans. For women, IV drug use is the most prevalent mode of transmission. Ninety-six percent of those infected in D.C., due to IV drug use, are African-Americans.

There are currently more than 113 needle exchange programs operating in 30 states, including my State of Maryland. In 1994, the Baltimore City Health Department established a needle exchange program. The program exchanges sterile for contaminated syringes, as well as provides public health services including referrals to drug abuse treatment, HIV testing and counseling, and tuberculosis screening, testing and treatment. Two years after the program began, 4,756 injection drug users had been enrolled, 603,968 needles had been distributed and 252,293 needles had been removed from circulation. An evaluation of this program has been conducted and no evidence has been found that the program increases crime or encourages drug use among youth. In fact, a June 2000 study published in the American Journal of Public Health indicates that the needle exchange program did not increase the number or distribution of discarded needles.

Mr. Chairman, the prohibition on the District's needle exchange program is not based on sound public health policies backed up by scientific evidence, but on politics.

Exhaustive studies funded by the NIH, the CDC as well as the U.S. Surgeon General have all concluded that needle exchange programs, as part of a comprehensive HIV prevention strategy are an effective public heath intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs.

The District's Chief of Police, Charles Ramsey, who has been tough on illegal drug use, supports a needle exchange program for the District as a way to reduce the spread of HIV. Additionally, the needle exchange programs are supported by the American Medical Association, the National Academy of Sciences, the American Academy of Pediatrics, the American Bar Association, the American Nurses Association, the American Public Health Association, the Association of State and Territorial Health Officials, the National Black Caucus of State Legislators, the U.S. Conference of Mayors and the U.S. Department of Health and Human Services.

Mr. Chairman, when the District's needle exchange program began in 1997, by using its own funds, through 1999, the number of new HIV/AIDS cases due to intravenous drug uses has fallen more than 65 percent. This represents the most significant decline in new AIDS cases, across all transmission categories, over this time period.

Why reverse this trend? Why accept this amendment which will only continue to spread HIV and intravenous drug users will lose an important gateway to drug treatment programs?

Vote against the Tiahrt amendment.

Mr. MALONEY of Connecticut. Mr. Chairman, our children should be protected from exposure to drug use and be kept safe from the threat of contaminated needles. For that reason, I supported the Tiahrt amendment to the Fiscal Year 2001 District of Columbia Appropriations Act. This amendment is simply a logical extension of the ''Drug Free School Zone'' legislation, and I urge all of you to support it as well.

The Tiahrt amendment prevents Needle Exchange Programs from existing within 1,000 feet of schools, playgrounds, day care centers, public swimming pools, and other places where children generally play. My colleagues, by voting for this amendment we are helping to ensure that our children are not exposed to drugs, drug paraphernalia, or unnecessary health risks. Children should not have to face the risk of coming into contact with contaminated needles in the places they learn, live or play.

Simply put, this amendment is about keeping children safe. I voted ''yes'' on the Tiahrt amendment because ''yes'' is a vote for the health and safety of our children.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The amendment was agreed to.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word. I believe that the gentleman from Oklahoma (Mr. ISTOOK) and I will each take 5 minutes to summarize the vote on the underlying bill before us.

Mr. Chairman, we are going to urge those who believe in home rule for the District and recognize the kind of economic and social progress that has been achieved in the District of Columbia to vote no on this appropriations bill.

We had an opportunity to have a bill that would have sailed through conference with the Senate and would have been signed by the President. It would have been taken care of. We have got 11 appropriations bills, most of which, if not all of which, are likely to get vetoed now. Only defense and military construction have been signed. This is one that should be signed. The District of Columbia needs its money, it needs it now, and all we would do if we had the opportunity is to ask, let us pass the Senate bill.

Now, what is the difference? In the Senate bill we restore $17 million to New York Avenue Metro station. They cannot begin that Metro station, which is a desperately needed economic development initiative, unless they have the full $25 million. All the money has to be identified. The private sector says they will put up $25 million, the city will put up $25 million, they budgeted for it, all we have to put up is our own $25 million and then we can go forward. This does not do that. This shortchanges economic development.

We need $3 million for those seniors in high school in D.C. to make the College Tuition Access Program available to everyone in a fair manner. The Mayor has asked for this money. $3 million should be included.

We need $3 million for Poplar Point remediation, a brownfield site. There is $10 million in the budget, the city needs $10 million, we only ask for $3 million. Those are the kinds of things we ask for, plus the Tiahrt amendment, which negates a program which is working and is desperately needed in the city.

We are not asking for much. We ought to get it, get the bill signed. Why we have to go through all these motions that are so destructive and such a waste of time is beyond me.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full Committee on Appropriations, to put this bill in context. Could I ask how much time is remaining?

Mr. OBEY. Mr. Chairman, I thought that at least on this bill we would reach a compromise between the two parties. The gentleman from Virginia (Mr. MORAN) has described the compromise which he offered the majority party. Once again, it is my understanding that that compromise was turned down by the majority whip, or those in his office, who evidently prefer to try to pass a bill totally in the Republican image. I find that unfortunate. Two and one-half weeks before the end of the fiscal year, we ought to be looking for ways that we can agree. Instead, apparently, people are finding new ways to rehash old arguments.

Surely this fits the pattern which has been going on all year, where the Committee on Appropriations explores a compromise, but then the majority leadership says no, and gives orders to pass the bill on the Republican side alone. That results in presidential vetoes; it gets no one anywhere near a closure.

With less than 3 weeks to go, this is not the way we ought to be going. I am sorry that the majority prefers to go this way, in light of the compromise offer of the gentleman from Virginia (Mr. MORAN). We could have taken either the package of the gentleman from Virginia (Mr. MORAN) or the Senate bill and had a perfectly reasonable compromise, but evidently we are not going to do that. So I very regrettably am going to urge a no vote on the bill.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, we have the opportunity to do the right thing. Vote no on this bill. Then we can get a bill that is acceptable to the Senate, to the White House, and, most importantly, to the citizens of the District of Columbia. We owe them that.

The citizens have elected a good mayor, they have got a good D.C. City Council, they are making progress, economic and social progress. They are not asking for much. They are asking that their kids have a chance to go to college and make it affordable. They are asking that we put up one-third of the cost of a Metro station that is desperately needed on the New York Avenue corridor. They are asking to clean up some of their brownfield sites. We have the money to do it. Let us do it. Do the right thing; vote no on the bill.

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

Mr. Chairman, in closing debate on this bill, first I want to take the opportunity to thank the staff who have worked so hard on this: John Albaugh of my personal staff and the Committee on Appropriations; Chris Stanley, a Congressional Fellow who has been assisting in our office from the U.S. Secret Service; Mary Porter, who is detailed to us from the District Government, and I will say more about her in a moment; the committee staff for

the majority, Migo Miconi; the committee staff for the minority, Tom Forhan; and from the personal staff of the gentleman from Virginia (Mr. MORAN), Tim Aiken.

Each of them has put in untold hours of hard work and effort to help bring this bill to the floor, and regardless of where we may stand on different issues, I want to express my appreciation to all of them.

In regard to Mary Porter, this Fall she is retiring after 40 years of dedicated service to the District government and to our Committee. She came to the Washington area from Tennessee, worked for an insurance company until 1960 when she went to work for the District Government, and, for the last 40 years has been assisting through the Mayor's office and then on loan to Congress to follow the budget through with the city council, with the Congress, the House, the Senate, and is the undisputed expert of so many things.

So, Mary, on behalf of all the subcommittee and the Members, we appreciate your many years of hard effort. I do not know how we could tackle the technical problems we have to face, were it not for your efforts. We appreciate you and we want to thank you.

Mr. Chairman, as I stated earlier, Mary Porter has provided more than 40 years of dedicated service to the District of Columbia government and to our Committee. That is an absolutely remarkable achievement—in fact, it is almost unbelievable. For all of those years, Mary has been with the Mayor's office where the budget is prepared. She follows the budget to the Council, and then she comes to Congress and follows it through the House, the Senate and finally the House/Senate conference. She is the technical expert and without question the single most knowledgeable person at any level when it comes to all aspects of the District's budget. In every organization or office there is one person who keeps everything together and running smoothly and who knows not only what needs to be done but also what it takes to get it done. Mary Porter is that person when it comes to the District government's budget. Her technical expertise, knowledge and temperament in putting the bill and report together cannot be matched. Many times Mary has worked 18-hour days and weekends but she was always back on the job bright and early. Mary has always set high standards that others find difficult to attain.

Mary came to the District of Columbia from a little town called Deer Lodge in Tennessee in May 1954 just out of high school and found her first job with the Equitable Life Insurance Company. She worked there until the birth of her first child in 1960 when she went to work in the District government's budget office. Back then the District's total budget was $196 million; today 40 years later it is $3.3 billion, a 1,584 percent increase over what it was when she started. I don't believe we can blame Mary for that phenomenal increase. Mary also witnessed the evolution of the governmental structure of the District of Columbia from a three-member Presidentially-appointed commission to a single appointed mayor-commissioner with appointed city council members to an elected mayor and city council form of government. I'm sure she could tell us first hand which form of government was the most efficient and effective in delivering services, but we will not ask her.

Mr. Chairman, there is only one Member of this House who was here when Mary first started working for the District government back in July 1960, and he is the Dean of the House. She has assisted the Committee under seven Committee Chairmen: Chairman Clarence Cannon of Missouri, Chairman Mahon, Chairman Whitten, Chairman Natcher, Chairman OBEY, Chairman Livingston, and now Chairman YOUNG. On the District of Columbia Subcommittee, she has served under Chairman Rabaut, Chairman Natcher, Chairman WILSON, Chairman DIXON, Chairman WALSH, Chairman TAYLOR, and now during my tenure. Mr. Chairman, I can attest to the fact that she is a ''professional'' in every sense of the word and has served chairmen and members of our subcommittee of both parties equally, providing them with her best advice and technical support.

Mr. Chairman, Mary is not one dimensional. Although she has been employed for the last 46 years, she and her husband Al have managed to raise a wonderful family. Their four children, Harvey, Lorne, Vance, and Vera are successful in their own right.

Mary, I know that I speak for the entire subcommittee and for this entire House in wishing you well in your retirement. Your 40 years with the District of Columbia government and your professionalism are a credit to our subcommittee, to the Committee and to the Congress. You are truly a remarkable person.

We all thank you very much.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, that was very gracious of you to recognize the personnel that make this bill work. I should have done it. I appreciate the fact that you did it on both sides of the aisle.

I do not know what Migo Miconi is going to do without Mary Porter, but she is going to be able to spend more time in my congressional district, I trust. She has been wonderful, invaluable, and, more importantly than what Migo is going to do without her, I do not know what the Congress is going to do without her and what the citizens of the District of Columbia are going to do without her. She is a great public servant and we thank her for the great job she has done and wish her many years of health and happiness in her retirement. I appreciate the fact that the gentleman recognized her.

Mr. ISTOOK. MR. Chairman, to address the bill, I ask unanimous consent that I be granted an additional 2 minutes.

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

There was no objection.

Mr. ISTOOK. Mr. Chairman, it is important that we address the bill itself. I heard the gentleman from Virginia (Mr. MORAN) say ''Let's pass the Senate bill.'' Well, there is no Senate bill. The Senate is just beginning their work. The House receives from its Budget Committee an allocation for the District, the Senate receives from its Budget Committee an allocation. There is a difference.

I think what the gentleman is referring to is that the Senate Subcommittee on the District of Columbia has been granted $30 million more by the Senate Budget Committee than the House Subcommittee has received from its Budget Committee, and the gentleman wants that additional money. Maybe when we get to conference, some of that additional money will be added and we will have the ability to do some things the gentleman wants to do.

But the whole tenor of comments, Mr. Chairman, to say, ''oh, you are not doing this for the District and you are not doing that for the District,'' my goodness, what is the District not doing for itself?

This bill has $414 million in direct Federal appropriations for the Government of the District of Columbia, and that is on top of the $1.5 billion they receive from all the Federal programs in which they already participate that other communities around the country are able to participate in. This $414 million is on top of that $1.5 billion and it's given to the city to run their prisons, to run their court system, to run their probation and parole system.

On top of that, we have these other things, but they say it is not enough, it is not enough, it is not enough. Why? Because they say ''well, we want another $17 million for the subway project, we want another $3 million for Poplar Point, we want another $3 million for education.''

Let me suggest, Mr. Chairman, that if the District were more diligent in conducting its duties, they would not have these problems. We have the D.C. General Hospital that this Congress has been telling the District for years you have got to get on top of that. They give a $45 million a year annual subsidy to it, and, on top of that, they have been running a deficit of $35 million a year for the last 3 years.

If they want to have that money, then the District ought to stop the feather bedding, the cronyism and the mismanagement at D.C. General Hospital. It is long overdue. Some people are trying to do it now, and I applaud them for it, but some others in the District are saying slow down, do not do it.

If the District wants money for these projects, why do they not get serious about internal reform? Why do they not take a look at the $20 million that was spent on a payroll system that they have said they now have to scrap because of their incompetence in trying to get things done right? There is money, if you want to have it, for some other use.

Why do they not take the $32 million in other reform efforts that are now in jeopardy? Why do they not look at these things, at this waste, rather than

just saying whatever you are doing Congress, it is never enough, it is never enough.

But the money they say they want for that New York Avenue Metro station, which is attracting private development money too, that money is in the bill. The $25 million they want for it is in the bill. Their objection is saying, ''oh, wait a minute, but $18 million is coming out of this interest-bearing account held by the Control Board that is under the direction of Congress, and we want you to get it from some other account instead.'' Why? Because the Control Board in its last year of operation wants to double its own budget and wants to give golden parachutes to its people, instead of having that money go to the Metro station at New York Avenue.

Do not put the bug on Congress for mismanagement by the District of Columbia. There are many people working hard to correct that mismanagement and abuse, and I applaud those officials, but accept responsibility for the problems that the District brings upon itself, and do not try to shift the blame and say it is because Congress has failed to do enough.

□ 1200

Yet, we do have funds in here for the unique program that started last year to enable kids from the District of Columbia to go to college since the District does not have a State system of colleges. We have the money in here for that program. We have every penny that all estimates say are needed for the program and then some. But they still say, we want more, no matter what it is, we want more, we want more.

We have the money in here for the program of drug testing and drug treatment to a greater extent than anyplace else in the Nation, and yet, they say it is not enough. That program is Federally funded. We have not done that for Detroit, we have not done it for Cincinnati, we have not done it for Minneapolis or Phoenix or many other cities that say, we would like to have some help too. It is about time that some people in the District recognize what this Congress has done to fulfill its responsibility toward the Nation's Capital, what the people in America have supported for the Nation's Capital, and start working together instead of constantly just griping that it is never enough, no matter what we do.

We have gone above and beyond, and when we get to conference we may find that we have the ability to get a little more money to do even more. But for goodness sakes, to hear people say ''vote against this bill because we are not doing enough for the District of Columbia'' is nonsense. It is spin, and it is about time people got called on that spin.

Mr. Chairman, this is a good, solid, responsible bill. It moves reform in the District of Columbia, it requires accountability, it puts a stop to this endless drain by D.C. General Hospital that if left unchecked will take the city back into insolvency. It requires strengthening of the charter schools which education bureaucrats are trying to strangle right now, even as parents are saying, ''I want my kids in this charter school because it is a public school that gives them an opportunity instead of being trapped in a dead end, nonperforming, dangerous school,'' as many of them are now stuck in.

Mr. Chairman, this bill is a bill to take care of the needs of the District of Columbia, to move along reform in the District of Columbia, and to promote responsibility and futures of hope, growth and opportunity.

Mr. Chairman, I would like to include in the RECORD an article on mismanagement and other serious problems, including what some might consider medical malpractice, at DC General Hospital. The article was the cover story in the August 18, 2000 edition of the Washington City Paper.

[From the Washington City Paper, Aug. 18–24, 2000]

FIRST, DO NO HARM

(By Stephanie Mencimer)

When some D.C. General Hospital doctors talk about putting patients first, they're not being Hippocratic. They're being hypocritical.

About a year and a half ago, an inmate from the D.C. Department of Corrections came to D.C. General Hospital for hernia surgery. He hadn't seen his surgeon, Dr. Norma Smalls, in at least a month. But when the man arrived for his procedure, Smalls didn't do a fresh pre-op physical exam—a step that most surgeons regard as routine. Instead, according to former Chief Medical Officer Ronald David and three other hospital sources, Smalls just had the man put under anesthesia and then cut him open—on the wrong side of his body.

Finding no hernia, David says, Smalls walked out of the operating room, wrote some notes in the charges, and then looked over the medical records. Realizing her mistake, Smalls had her patient anesthetized once more and cut him open again.

Fortunately, the patient recovered. Still, such a ''sentinel event,'' as a blunder like wrong-side surgery is known in the hospital business, is a very big deal, as serious a hospital disaster as an abducted baby or a rape by a staff members. The reason, of course, is that the kind of mistakes that lead to wrong-side hernia operations can lead to amputating the wrong leg or removing a healthy kidney.

If D.C. General were a normal hospital, Smalls' blunder would have come under intense scrutiny. The Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) requires hospital medical staff to conduct a ''root-cause analysis'' of any wrong-side surgery and to implement an action plan to prevent such incidents from recurring. A hospital's accreditation is partly based on how its medical staff handles sentinel events.

Initially, though, the medical staff wasn't even planning to investigate Smalls' wrong-side surgery, according to David. When pressed by the administration, a committee made up of the chief of surgery, the chief of anesthesiology, and the head of the nursing staff eventually did review each department's role in the case. The nursing administration promptly fired a nurse who was found to be partially culpable. The doctors, however, found no problem with Smalls' performance in the operating room. Dr. Richard Holt, the hospital's chief of surgery, would not comment on the case.

Smalls declined to discuss the surgery other than to say, ''I am a physician and citizen of high ethical standards,'' and that the JCAHO, the hospital accrediting body, was satisfied with the hospital's review process. ''I have reams of documentation to show how well that was done,'' she says.

Nonetheless, the story of Smalls' surgical mistake spread through the hospital like a staph infection, raising eyebrows among nurses and other technical staff members who had heard constant rumors about her competency, according to several hospital sources. But that didn't stop the physicians from later electing Smalls as president of the D.C. General medical/dental staff. And today, she is head of quality assurance for the hospital's department of surgery.

Smalls and some of her colleagues on the D.C. General medical staff have been among the loudest voices complaining about the many problems ailing the District's only public hospital. They have taken their complaints about the hospital administration to the mayor, to the D.C. Council, and directly to Congress. They have demanded the ouster of former CEO John Fairman and even summoned various investigative agencies to scrutinize the hospital, which has run up $109 million in budget overruns and is at risk of being closed down completely.

Patients themselves are deserting the hospital in droves: More than 90 percent of Medicaid patients and 97 percent of Medicare patients now go to other, private D.C. hospitals, as do two-thirds of the city's 80,000 uninsured residents, according to D.C. Department of Health figures.

Yet during all the recent debate over the future of the city's ailing public health system, few people have ever stopped to ask whether Smalls and some of her medical colleagues might themselves be part of the problem.

For years, the medical staff has eluded the demands for accountability that have slowly started to take hold in other parts of D.C. government. Instead, the doctors have successfully portrayed themselves as the lone champions of health care for the poor, which is the one thing that D.C. General inarguably dispenses.

Yet internal memos from the D.C. Health and Hospitals Public Benefit Corp. (PBC), the body that oversees the public hospital and its clinics, show that far from improving patient care, Smalls and some of the elected leadership of the medical staff have fought to overturn disciplinary actions against poorly performing physicians and defend doctors' shoddy work habits. Even as they have complained about the quality of the nursing staff and hospital administrators, many of the physicians have fought off requirements to update their own skills, see more patients, and otherwise raise the standards of D.C. public health care. Moreover, past and present hospital administrators say that a vocal minority of those same doctors have played a key role in obstructing the very reforms that might put the PBC on better financial footing.

Deairich Hunter is the PBC's former chief of staff and a former staff member for Ward 8 Councilmember Sandy Allen, chair of the Health and Human Services Committee, which oversees the PBC. When he worked for the council, Hunter spent much of his time trying to save D.C. General. When he came to work for the PBC last year, though, he says, ''I started to wonder what it was that I was saving.''

To be sure, many of the 170 doctors who work for the PBC are devoted professionals who have a real commitment to public

health care and labor under difficult circumstances. But then there are the others: the twice-bankrupt, many-times-sued OB–GYN and the former chief of trauma who allegedly saw only eight patients in a month, despite being paid for full-time work.

The city's doctors are emboldened by the same civil-service protections that make all D.C. government employees nearly impossible to fire, and they are largely immune from outside accreditation investigators, who evaluate hospital procedures, not physician competency. Duly insulated, the PBC's doctors have successfully chased out reform-minded administrators who have attempted to rein them in. ''Using a good offense as their best defense, the medical staff has avoided accountability for years,'' says one hospital administrator, who wishes to remain anonymous.

The bureaucrats' attack on reformers is a time-honored D.C. government tradition. Such behavior has made city agencies like the Department of Motor Vehicles merely infuriating, but in a hospital, the consequences can be deadly. It's no surprise that even as D.C. councilmembers go to bat for the jobs of city doctors, the poorest city residents are taking their business elsewhere.

Last August, D.C. General OB–GYN John S. Selden III featured prominently in a front-page story in the New York Times about racial disparities among women who die in childbirth. ''Most obstetricians are afraid to talk about losing patients,'' the story read. ''But the doctors at D.C. General are surprisingly direct. Dr. John S. Selden, who has worked at the hospital on and off for the last 13 years, told of a death that occurred just a few months ago.'' The woman Selden described died on the operating table, moments after a Caesarean section at D.C. General.

Selden was something of an odd choice for the hospital to offer up as a national expert. Had the Times interviewed some of his former patients, the paper might have discovered that Selden has a somewhat blemished record as a physician. But his story helps illustrate why some doctors at D.C. General are often so militant about protecting their jobs.

In the past 20 years, Selden has been sued at least six times, racking up some huge settlements. In 1984, Selden treated a pregnant woman named Vanessa Black who had come to Greater Southeast Community Hospital suffering from vaginal bleeding. Selden discharged her the next day with instructions for strict bed rest, without determining whether it was safe for her to move. Black was still spotting, and a day later, she went into labor, had a emergency C-section because of hemorrhaging, and delivered a brain-damaged baby. In 1993, Greater Southeast settled a suit filed by Black's family for $1.3 million.

Another case is currently pending, filed by Cherif Abraham Haidara, alleging that during a 1997 delivery at D.C. General, Selden caused traumatic nerve injury to her baby's arm, rendering the arm useless. In this case, the family isn't likely to get a dime if it prevails in court, because Selden has no assets to speak of, having filed for bankruptcy protection twice in the past 15 years. And at the time of Haidara's delivery, he had no malpractice insurance.

Ordinarily, as a city employee, Selden wouldn't have needed malpractice insurance, because he would have been insured by the District. But Selden was working at D.C. General on a contract with the Medical Services Group, a private practice consisting of several OB–GYNs who had retired from D.C General in 1995 and had immediately gotten a $2.9 million emergency contract from the hospital. The contract allowed the doctors to earn significantly more than they would have as hospital employees. After the Office of the D.C. Auditor criticized the contract for various improprieties, the hospital canceled it in 1997.

D.C. General provided most of the group's clients, so when it canceled the contract, the practice shut down. During that last year, when Haidara's baby was born, the Medical Services Group doctors were carrying no malpractice insurance. They blamed the city, which they claimed was supposed to pay for the insurance. (The doctors are currently suing the District over the issue.)

According to his deposition in the Haidara case, Selden remained unemployed for about a year after his practice collapsed, and he eventually filed for bankruptcy protection. Later, he went to work for Planned Parenthood for about six months before D.C. General rehired him in March of last year.

Selden could not be reached for comment.

Given Selden's history, it might seem strange that D.C. General would be eager to have him back. But thanks to city pay-scale restrictions, the hospital is fairly desperate for specialists like OB–GYNs, whom it needs to maintain its accreditation. D.C. law bars city employees from making more than the mayor's salary, which for most of the 1990s was about $90,000. The going salary for an OB–GYN in the private sector is nearly $300,000. (The mayor's salary has since gone up, to about $120,000, but doctors' salaries have remained capped at $99,000.)

Lawrence Johnson, the medical director at D.C. General for 15 years until 1997, says the salary cap has always been problematic in keeping the hospital staffed up. ''We couldn't keep a full-time specialist in some cases,'' he says, adding that the hospital has always relied on a patchwork quilt of coverage. ''It's not the kind of arrangement that lends itself to building stability.''

The PBC's poor pay—among the worst in the nation—combined with difficult working conditions and old-fashioned crony politics has helped make D.C. General a virtual dumping ground for troubled doctors. Alongside doctors like Selden, the hospital employs physicians who have left other troubled city facilities, like the D.C. Jail and the old city-run nursing home, D.C. Village, which was closed after a suit by the Justice Department, following the deaths of more than 30 residents from poor medical care.

Another of the hospital's former medical directors is Dr. William Hall, former Mayor Marion S. Barry Jr.'s longtime eye doctor, who was the medical director of the D.C. Department of Corrections when the jail medical services landed in receivership for abysmal treatment of inmates in 1995. A federal judge seized control of the services shortly after an inmate with AIDS died while tied to a wheelchair, where he has sat in his own feces, neglected, for several days. Hall went on to do a brief stint as D.C. General's medical director and is still employed at the hospital as an ophthalmologist.

Conventional wisdom holds that the trauma surgeons at D.C. General are among the hospital's best doctors, because of their experience in handling life-threatening gunshot wounds and other medical crises. Despite their reputation, though, no data exist to prove whether D.C. General trauma surgeons are any better than, say, Washington Hospital center's. And there's some evidence to suggest that they might be worse.

In 1995, an ambulance transported a transgendered man, Tyrone Michael (aka Tyra) Hunter, to the emergency room at D.C. General, where he later died after doctors failed to drain blood that had pooled near his heart, according to a lawsuit filed by Hunter's mother, Margie Hunter. Her lawyer, Richard Silber, learned during the litigation that Joseph Bastien, the trauma surgeon who had treated Hunter in the emergency room, had flunked his surgical board exams three times and was not certified as a surgeon.

In fact, out of the eight attending physicians in the trauma unit at the time, five were not board-certified, including the unit's acting chief, Dr. Paul Oriaifo. (Two of those noncertified doctors still work at the hospital.) In 1998, a jury awarded Margie Hunter $2.3 million, and the city last week settled the case for $1.75 million.

Silber says he was astonished at the poor qualifications of some of the trauma surgeons at D.C. General. ''There are terrific public hospitals in this country. Just because they are public doesn't mean they have to have incompetent care,'' he notes.

It's 8:30 a.m. on Wednesday, July 5, and already the D.C. General orthopedic clinic is full of people on crutches or in wheelchairs, or sporting casts, slings, or metal staples in their knees. A man in a wheelchair with a full head rack and pins keeping his neck straight closes his eyes and exhales slowly. Almost 50 people have arrived in the basement of the hospital. Kenneth Reid, here for his broken knee, knows he's in for a long wait.

''Last time I was here, I had a 9 a.m. appointment, and I didn't get done until 4,'' Reid says.

The clinic is open only on Mondays and Wednesdays, and the staff schedules patients for appointments between 8 a.m. and 10:30 a.m. Even then, it's first come, first served. So people line up early and then hunker down in front of the TV. With luck, they'll get their blood pressure taken by the time Bob Barker wraps up The Price Is Right. If you feel really bad, Reid says, you can go to the emergency room.

Or you can employ Monica Parker's strategy; the fake faint. Parker, who recently broke both her legs, says she once got so tired of waiting that she staged a collapse on the way to the ladies' room. ''I got right in,'' she says with a laugh. ''You got to fall out right where everyone can see.''

An elderly man who gives his name only as Oscar, who has been waiting almost a year for surgery on his hip, knows the system pretty well. ''The whole thing is not to have the doctors waiting to see the patients,'' he explains.

There's no chance any doctors will be waiting today. Medical residents doing training as part of the Howard University Medical School do most of the work here, but they haven't arrived yet. That's because on Wednesday mornings, the residents have to attend a meeting at Howard University Hospital. They usually don't show up at the clinic until 10 a.m., even though patients have been sitting here for two hours by then. And as for the staff doctors, well, none of the patients seem to know when they get in.

Oscar says the attending physicians alternate covering the clinic because most of them also work somewhere else. Elaborating some common hospital folklore, Oscar explains confidently, ''The hospital can't afford to pay doctors for 40 hours a week.'' The hospital does in fact pay the clinic's attending physicians almost $100,000 annually for full-time work, but conversations with other patients make it easy to see how Oscar came to that conclusion.

While dozens of patients watch Maury Povich berating moms for dressing so sexy that they embarrass their children, a woman in a bright-red dress and heels storms out of the clinic door, cursing the people behind Booth 2. She comes back later and throws herself into a chair. ''I had three appointments. They made me come in. The doctor wasn't here,'' fumes Mary E. Muschette. ''This is the fourth appointment. One day I

was here at 7:30 and left at 3 after I found out that they had discharged me without seeing me. I've made this appointment since April for a jammed finger. Every time I've been here, no doctor.'' Muschette says she is supposed to see a specialist, but adds, ''He's never here. If I had a job and did that, I'd be in trouble.''

Muschette's furious tirade is more entertaining than Povich, and it sets off a round of complaints and affirmations from the other patients. ''I never see the doctor who signs the prescriptions,'' Parker says, ''I've only seen him once, and that was at Howard. He is on all my paperwork, though.''

Dr. Easton Manderson, the chief of orthopedics, is himself the subject of patient complaints about scheduling. An inmate at Lorton, David Spencer, is currently suing Manderson in federal court for allegedly bumping him off the surgical schedule for more than a year, delaying a bone graft on his arm and, he says, causing partial paralysis. Spencer filed the suit pro se, but a federal judge believed Spencer had a strong enough complaint that he took the unusual step of appointing a lawyer to represent Spencer.

But Manderson is a busy man. Along with his full-time job at D.C. General, he also has two private practices. On Tuesdays, Wednesday, Fridays, and some Saturdays, he works at his Providence Hospital office. Then, on Tuesdays after 5 p.m., he works at his Eastern Avenue office in Maryland. Yet Manderson managed to collect $23,866 in overtime at D.C. General last year, according to documents provided by the PBC.

Manderson disputes this figure, and in a letter to the Washington City Paper, he said he spends only 12 of the 72 hours he works each week at his private office.

''I perform more surgery and see more patients than any other surgeon at D.C. General,'' Manderson said in his letter.

Moonlighting by full-time PBC doctors is a common practice, which the doctors justify because of their low salaries, and there's no rule against it. But the doctors are still expected to fulfill their duties for the PBC. It's clear from the stories at the orthopedic clinic, however, that the hospital is not getting its money's worth from some of its physicians.

The experience of the orthopedic patients was backed up in a recent review by Cambio Health Solutions, a consulting firm brought in by the PBC to analyze the hospital's management problems. Cambio found that doctors' overtime billing was based on the honor system and that the PBC had no system to document how much time doctors actually worked on behalf of the PBC. ''Productivity standards are not existent,'' the consultants wrote. An operational review found that clinics failed to start on time because most of the physicians had practices in other parts of the District.

Absentee doctors are problematic for a variety of reasons. Medical residents, because of their junior status, can't sign any of the paperwork needed for billing, so patients routinely leave their charts with a physician's assistant whose job it is to track down the attending doctors for their signatures. As the paperwork stacks up, patients are often left waiting for weeks to get disability claims filed, for instance. Or, as happened in Oscar's case, the signature problem can delay treatment.

Oscar says that every time he comes in to the clinic, staffers treat him like a new patient and repeat the same tests, because they can't find his medical records. The doctors' failure to keep up on the paperwork also takes a financial toll on the hospital itself, because it can't bill for services unless physicians document them—a problem highlighted by consultants from Cambio.

For years, the PBC doctors have gotten away with such poor performance because they could count on their patients to keep quiet. Parker, for example, says that even though she usually plans to wait between five and 12 hours whenever she comes to the clinic, it would never occur to her to complain to hospital officials. ''I'm not going to cuss you out about not getting what I pay for when I'm not paying anything,'' she says. Besides, she adds, ''Nobody else will take me.''

When she broke her legs—she tripped in the grass while walking in high heels—Parker says she was taken to Howard. But when the hospital discovered she didn't have insurance, it sent her by ambulance to D.C. General. ''If I could go somewhere else, I would,'' she says.

For years, D.C. General patients have told horror stories about being unwittingly operated on by what they call ''ghost doctors''—unsupervised residents who have not yet completed their medical training. In a place where such legends are as common as bedpans, most malpractice lawyers and others who regularly heard the stories never quite believed them. But Debra Burton says that, in her case at least, not only is the legend true, she can prove it.

In November 1992, Burton saw Manderson, the orthopedic surgeon, at Providence Hospital on a referral from a doctor at Howard University Hospital, who believed she needed surgery to have a bone spur removed from her foot. Burton says she saw Manderson for ''about five minutes.'' She says he agreed to do the surgery but told her she had to have it done at D.C. General. So on Jan. 21, 1993, Burton checked into D.C. General, gave her Medicaid information, and was headed for the operating room when, she says, residents told her that Manderson wasn't at the hospital but was on his way.

Burton had the surgery, but she never did see Manderson. A few months later, she was still in excruciating pain. After several more visits to other doctors. Burton learned several startling facts: A nerve had been cut in her foot, but the bone spur was still here. And, most troubling, Burton says, she learned that Manderson hadn't actually performed—or supervised—the surgery as promised. Instead, she had been operated on by a couple of residents—doctors in training.

Burton has been disabled by the pain and unable to work ever since. She had hoped to file a malpractice suit, but she says her lawyer botched the case, and she eventually reported him to legal disciplinary authorities. She didn't give up, though. Burton has been on a mission ever since to find some justice, and she has collected an assortment of documentation about her case.

Among her papers is a 1997 letter Manderson wrote to the D.C. Board of Medicine in response to a complaint Burton filed against him. In the letter, Manderson claims he never told Burton he would take her as a private patient, but that ''I would arrange to have her surgery done at D.C. General.'' However, Manderson's name appears on all Burton's D.C. General records as the admitting and attending physician, and her admission and consent form states that she agreed to surgery that would either performed or supervised by Easton Manderson.

Ronald David, the hospital's former chief medical officer, says that at D.C. general, attending physicians of record are expected to be responsible for their patients before, during, and after surgery—guidelines also specified by the American College of Surgeons.

In his letter to the medical board, Manderson maintains that even if he had agreed to do the surgery, he was not required to be in the operating room when residents were operating. He repeated this claim in his letter to the City Paper. In fact, in 1995, two years after Burton's surgery, D.C. General almost lost its Medicaid accreditation for, among other things, allowing residents to operate unsupervised, according to reports in the Washington Post. And David says, ''If he is the attending of record, he was supposed to be there.'' Nevertheless, the board of medicine dismissed the complaint without any further investigation.

When she discovered that Manderson had billed Medicaid for part of the procedure, Burton filed a compliant with the city. Doctors at D.C. General are salaried employees and may not bill Medicaid individually for services they provide there; Medicaid pays the hospital directly. But Manderson and another doctor whom Burton claims she never saw both billed and were paid for services related to her surgery. In 1998, according to a letter sent to Burton in response to her complaint, the Medicaid office sought to recoup the money for what it called ''erroneous billing.'' No investigation was ever launched. PBC officials declined any comment on Manderson's practice at D.C. General.

On Jan. 15, 1998, 93-year-old Ernest Higgins ran a stop sign at 10th and Constitution NE and was hit by a truck. He was admitted to D.C. General by trauma surgeon Dr. Chinwe Agugua suffering from some swelling on the side of his neck, but otherwise, he didn't have any other obvious injuries. The hospital kept him overnight for observation, and the next morning a nurse called Higgins' son, Daniel Higgins, and told him to come to take his father home.

The lifelong Washingtonian and former auto-parts store owner had been active for his advanced age, and his medical records even noted that he lived alone in a two-story house at 18th and Franklin Streets NE and was fully able to care for himself. But before Ernest Higgins was discharged, a nurse had to carry him to the bathroom.

''I thought this was odd, since the day before, he had been driving,'' says Daniel Higgins. As it turned out, his father couldn't walk, but no one at the hospital seemed to think this was unusual, so Higgins took him home. ''I checked on him after [The Tonight Show], and he was sleeping. The next morning when I got up, he had passed away,'' he says. An autopsy revealed that the elder Higgins had suffered two broken vertebrae in his neck and had died from a major spinal-cord injury.

The Higgins family decided to pursue legal action against the hospital. They went to three different lawyers before the last one told them—wrongly—that they would never be able to collect any money from the broke D.C. government, and in any event, because Ernest Higgins had been so old, there wouldn't be much in the way of damages to recover. Before they had a chance to pursue the case further, the statute of limitations for filing a suit ran out. Still, Higgins' granddaughter continued to demand that the PBC investigate the handling of the case, but she never got an answer. Dr. Richard Holt, who had been Higgins' attending physician, said last month in an interview that he did not remember Higgins.

Doctors who work for the PBC are protected by civil service rules and the hospital's peer review committees. As the Higgins case demonstrates, they are also largely insulated from scrutiny by the most effective, if de facto, medical regulators: malpractice attorneys.

Higgins' claim was one of 17 notices sent to the District government since January 1998 declaring intentions to sue the hospital for wrongful deaths. Of those, 12 cases never went to court, including the Higgins case. Some were denied because the potential plaintiff failed to adhere to the strict filing

timetable required under D.C. law. Anyone intending to sue D.C. General must notify the city within six months of the alleged malpractice. A lawsuit in a wrongful-death case must then be filed within a year; other malpractice cases must be filed within three years.

Diane Littlepage, a malpractice attorney in Baltimore who has successfully sued D.C. General, says that very few people are able to make the six-month deadline, which doesn't exist for private hospitals. In addition, attorneys generally don't regard D.C. General patients as attractive clients. That's because wrongful-death awards are based on the value of a person's life, which a civil suit reduces to a cold calculus of economic activity and life expectancy. If a patient was poor or unemployed, or had any kind of lifestyle issues that might shorten life span, such as criminal activity or drug abuse—all common issues with many D.C. General patients—that patient's life doesn't add up to much in a lawsuit.

Malpractice cases are also extremely costly to litigate, so lawyers who do take them pick up only clients whose potential awards will more than cover the costs of trying the case. Bill Lightfoot, a prominent malpractice attorney and former D.C. councilmember, says be routinely spends $50,000 to $100,000 to litigate a wrongful-death case.

Because of the lawyers' informal vetting system, when malpractice suits do go forward against doctors at D.C. General, they are fairly serious. Here are a few recent examples:

Tammara Kilgore, 22, arrived at D.C. General on April 26, 1998, suffering from nausea, fever, and highly abnormal liver functions. Doctors allegedly diagnosed Kilgore with a urinary-tract infection—without performing a urinalysis—gave her some antibiotics, and sent her home, according to the suit filed by her family. Kilgore died a few days later from liver failure stemming from hepatitis.

Darryl Kelley, 19, arrived at D.C. General suffering from a gunshot wound to the face in February 1997. The bullet had broken his jaw, but he could talk, swallow, and breathe. Dr. Norma Smalls did exploratory surgery on his neck and put a tube in his windpipe so he could be hooked up to a ventilator after oral surgeons wired his teeth together. Two days later, Kelly was dead—but not from the bullet wound. An autopsy later showed that he had suffocated to death from a blockage in the tracheotomy tube. On April 11 of this year, the city settled a wrongful-death suit brought by Kelley's family for $175,000.

In November 1998, Gloria Porter, 50, was admitted to D.C. General to have a benign polyp removed from her duodenum. Instead of just removing the polyp, Dr. Paramjeet Sabharwal and two residents allegedly performed a risky surgery designed for excising advanced cancer, removing her gall bladder, part of her duodenum, and part of her pancreas. A week later, Porter, who didn't have cancer, died from a massive hemorrhage—a complication of the surgery—according to a suit filed by her daughter last August.

Bruce Klores, one of the city's leading malpractice attorneys, who has won several large verdicts against D.C. General, says that the hospital has ''probably the most underreported malpractice of any hospital in the city.''

When David accepted the position of chief medical officer for the PBC in 1997, he was looking forward to having a hand in patient care once again. For the previous six years, he had been teaching health policy at Harvard University's Kennedy School of Government. Before that, he had served as deputy secretary of health, and then acting secretary of health, under Pennsylvania Gov. Robert P. Casey. An African-American neonatologist and pediatrician who grew up in a mean South Bronx neighborhood, David was an idealist who believed passionately in the public service aspect of medicine.

But David quickly discovered that D.C. General was like no place he had ever experienced. To be sure, it had the usual problems of any public hospital: too little money, insufficient equipment and supplies, and an aging building that was suffering from disrepair. But that wasn't what he found most troubling about the place.

When David arrived at D.C. General, he recounts in an interview, as patients waited hours upon hours in the emergency room, doctors were not coming to work on time, they were leaving early, and they were often sleeping on the job, in part because they were working full-time jobs elsewhere. The celebrated trauma surgeons refused to see other, ''ordinary'' emergency room patients who weren't suffering from major injuries such as gunshot wounds, even when those surgeons weren't busy with other patients.

After interviewing patients, David also discovered that some of the OB–GYNs were skimming off patients with insurance and Medicaid, sending them to their private-practice offices and delivering their babies at other hospitals, where doctors could bill the insurers or Medicaid for their services. ''In some instances, doctors would actively dissuade patients from going to D.C. General,'' says David. ''We had patients tell us that doctors had told them not to come back.''

He also found that doctors weren't showing up on time for clinics and were occasionally working in their private practices when they were expected to be at D.C. General. About six months after David took over as chief medical officer, someone in the emergency room paged Manderson, who was supposed to be on duty. The page was returned by a nurse at Providence Hospital, who said Manderson wasn't available because he was in surgery.

The event was one of a long line of problems that prompted David to draw up a memo in which he told the medical/dental staff that he would be giving them a one-month amnesty period in which to clean up their act. After that, he told the doctors, they would be disciplined severely for a number of practices that had long been tolerated at the hospital.

In the amnesty memo, David told doctors that he expected them to work the hours that they were scheduled and paid for and that they were recording on their time sheets. He barred them from doing union work or private-practice work during regular hours and then working for the PBC afterward to collect overtime.

He required the full-time community health center staff to show up five days a week. He demanded that surgeons be in the operating room to supervise surgeries and that they be available to the patients immediately before and after surgery for follow-up. He barred doctors from ordering supplies and equipment for use in their private offices. And he asked that they fill out medical records on time.

Finally, David warned that if he caught any physicians collecting insurance information from PBC clients for the purpose of sending paying patients to their private offices, they would be in serious trouble. In his memo, David wrote, ''Please know that my intent is to hold us to high standards of performance and integrity despite the prevailing political and economic forces that serve to undermine the PBC. I will not allow us to assume the role of victims.''

Although David's demands seem rather basic—things one would expect from competent doctors who care about patients—the D.C. General medical staff was outraged. The doctors declared war on David.

Leading the charge against David was Oriaifo, then the acting head of trauma and later president of the medical/dental staff. A charismatic Nigerian who went to medical school in the former Soviet Union, Oriaifo had been active in the doctors' union at the hospital, where he has worked for the past 16 years. David and Oriaifo first butted heads when David removed Oriaifo as acting chief of trauma and placed the trauma unit under the supervision of Dr. Howard Freed, the new director of emergency medicine.

The demotion prompted Oriaifo to call an emergency meeting of the medical/dental staff, alleging that he had been persecuted for speaking out about the administration's failure to support clinicians. In a memo to the PBC board, Oriaifo claimed that Freed was not qualified to supervise him because Freed wasn't a surgeon.

In fact, Freed was the first person ever to run D.C. General's emergency department who had been both trained and board-certified in emergency medicine. He had more than 20 years of experience working in trauma centers and fixing troubled emergency rooms.

Oriaifo, on the other hand, is not board-certified in surgery or any other specialty. Furthermore, under his leadership, the hospital's trauma unit has lost its Level 1 trauma designation from the American College of Surgeons—a designation that qualifies a trauma center to treat the most severe cases. (Oriaifo blames this loss on a lack of institutional support from the PBC, not any shortcomings of his leadership.) Nonetheless, Oriaifo soon got his job back after Mayor Barry intervened on his behalf.

Undaunted, David continued to discipline wayward doctors. He suspended and later fired a doctor for failing to complete medical records; he demoted a podiatrist who had refused to treat inmates and who the nursing staff had complained wasn't starting clinics on time. After he discovered what outside consultants would later confirm—that the hospital had too many managers—David also demoted a physician who had been getting extra pay as the administrator of the ''Neurology Department,'' which had only two doctors in it.

David really angered the medical staff when he started showing up early at hospital clinics to see whether the doctors were at work on time. Nurses had complained that one particular doctor's tardiness was pushing a clinic to stay open later in the afternoon, requiring the hospital to pay the nurses overtime. David caught the doctor red-handed, contacting her on her cell phone. She was dropping her kids off at school an hour and a half after she was supposed to be at the clinic.

The personal investigators prompted Oriaifo to stand up at a PBC board meeting one day and protest that David was ''spying'' on the doctors, which he said the staff considered highly inappropriate for the chief medical officer. David says Oriaifo didn't get much sympathy from the board.

Oriaifo and the elected medical leadership defended the disciplined doctors, claiming that they had been singled out for criticizing the PBC. The medical staff believes itself to be an independent governing body under city law, and it often argues that only staff doctors can discipline other doctors, even for administrative rather than clinical matters. As a result, the group has tried to overturn many disciplinary actions imposed by the hospital administration.

In a 1998 memo to the PBC board complaining about David, Oriaifo wrote: ''Dr. David has done nothing to support the practitioners as we struggle to render care to our patients. . . . For all intents and purposes, and based on all available credible evidence,

Dr. Ronald David appears to be a clueless enforcer and not a leader. WHERE DO WE GO FROM HERE?'' A month later, Oriaifo helped organize the first of two votes of no confidence against David. The votes were largely symbolic, but they constituted a direct demand by the doctors to the PBC to oust David.

In an interview, Oriaifo contended that David was a failure as an administrator because he was an outsider: ''Ron David just blew out of Harvard. What does he know about D.C. General?''

Nevertheless, David held on to his job. When PBC board member Victor Freeman, the medical director for quality for INOVA Health Care, voiced his support for David's actions, the medical staff attacked Freeman, too. In a letter dated Feb. 3, 1999, Oriaifo wrote to Bette Catoe, the chair of the PBC board, complaining about Freeman. ''How many more victims will be claimed by this scorched-earth, slash-and-burn, take-no-prisoner tactics before someone acts to stop the madness??'' Oriaifo wrote. ''WE ARE FRIGHTENED. . . . We are UNDER SIEGE. We are at the brink of cataclysm. . . . PLEASE HEAR MY CRY, PLEASE HEED MY CRY!''

David says his critics were mostly interested in covering up their malfeasance and laziness. ''They threw up smoke screens,'' he says, noting that they went after anyone who tried to discipline them. For example, David says, as Freed put pressure on the emergency-room doctors to be more productive and see more patients, they responded by calling in the D.C. Office of the Inspector General, filing sexual harassment and discrimination charges against him with the Equal Employment Opportunity Commission.

Despite the doctors' resistance—and the dire warnings from the medical staff that the hospital was on the brink of disaster—David says Freed managed to reduce waiting times in the emergency room by better than 50 percent.

Finally, David attempted to put to rest the constant rumors about the surgical competency of Smalls. In March 1999, the JCAHO had approved the hospital's procedures for reviewing Smalls' wrong-side surgery. But the agency evaluated only the process, not the outcome, with which David was still dissatisfied. So he consulted Freeman, the PBC board's quality-assurance expert, and they decided to send the case to an impartial committee of physicians from the D.C. Medical Society.

Late last summer, the medical society found significant problems with the surgery, which David used as justification to review some of Smalls' past cases. He also ordered the doctors to create an action plan that would prevent such mistakes in the future. In the end, though, David says, his effort to compel the doctors to discipline themselves amounted to very little. Forcing them to put the patients' interests before their own, says David, was a monumental fight.

When he first came to D.C. General, David says, he sustained faith in the miracles performed at the hospital, where he found that most doctors managed to do good work under very difficult conditions. For a while, he had even felt comfortable bringing his wife there for treatment for sickle-sell anemia. But when the medical staff failed to institute an effective peer-review system, David decided that he couldn't maintain high standards at the hospital. He resigned last September. In a few weeks, he will be entering a seminary, where he hopes to learn some language of healing to bring to the practice of medicine. ''It was just so dispiriting,'' David says of his time at D.C. General.

After David left as chief medical officer, Dr. Robin Newton, a popular doctor who had recently been the president of the medical/dental staff, took over. She continued to pursue David's quality objectives, and in February of this year, the hospital fired Oriaifo.

For many years, Oriaifo had also held a job at Providence Hospital, and the PBC administration believed he wasn't putting in the time he was being paid for at D.C. General. An audit concluded that Oriaifo had seen only eight patients while working 24 hours a week from Oct. 15 to Nov. 15 of last year. Oriaifo disputed the veracity of the audit, and the medical staff organized a vote of support for him. Then the doctors called in the JCAHO, which sent surprise inspectors into the hospital in early March, prompting yet another crisis for the beleaguered institution.

Oriaifo has since filed a $1 million whistleblower suit against the PBC, contending that he was fired for criticizing the hospital management, which he alleges retaliated against him, even going so far as to revoke his reserved-parking privileges. ''When you give your whole life to a service and you end it with a kick in the pants, it hurts,'' he says.

Oriaifo says he was only looking out for patient care, calling attention to the administration's failure to respond to doctors' complaints about a CT scanner that broke down twice a week, defibrillators that malfunctioned regularly, and incompetent nurses in the trauma center. He says the hospital has seen its patient count dwindle by 20,000 since 1995 because the emergency room has been closed down repeatedly for lack of beds. ''Is it your fault when people say you're not productive? The problem is not the employees. The problem is leadership and management,'' Oriaifo contends.

To make his points, he has charts he sent to the PBC board outlining a proposed reorganization of the emergency department and memos with long lists of complaints about poor management. In the course of an interview in which Oriaifo talks almost nonstop for three hours, it becomes clear that he believes that he personally should be running the hospital. ''I, Paul Oriaifo, was one of the doctors who received [Capitol shooter] Russell Weston! I was running the service of excellence!'' he says, gesticulating wildly. ''We [staff doctors] are the main engine of the PBC. We revolutionized that hospital. We are victims here.''

Since Oriaifo's departure, the PBC's medical staff has directed its attacks at Newton. On July 3, Dr. Michal Young, the new president of the medical/dental staff, wrote to the PBC board complaining that Newton had, among other wrongdoings, ignored Oriaifo's request to volunteer in the trauma unit. (Oriaifo has offered to volunteer 20 hours a week in the trauma unit because of his ''deep commitment'' to the hospital. He also admits that by doing so, he would be able to keep his leadership job with the elected medical staff.)

Perhaps Newton's biggest offense in the eyes of the doctors, however, was her support for legislation in the D.C. Council that would have designated the doctors ''at-will'' employees—which would have made them much easier to fire. (The legislation was withdrawn after a flurry of lobbying by the medical staff.) Late last month, the medical staff staged a vote of no confidence against Newton.

Meanwhile, all the complaining by the medical staff has had an effect in one respect, at least: Former CEO John Fairman has been removed, and now everyone from the General Accounting Office to Congress is scrutinizing the PBC. But the end result may not be exactly what the doctors had in mind.

The PBC is preparing to lay off hundreds of workers, including doctors, to avert a shutdown of the hospital entirely. Services to the poor will likely be severely curtailed. Trauma surgeons are in all likelihood going to be phased out altogether. Their special designation as an independent unit within the emergency department—which has other surgeons on which to draw—was always an anomaly, and outside consultants found them to be vastly inefficient.

And in the end, the people who are going to suffer the most are the city's poor and uninsured—the very people the medical staff has claimed to be standing up for all along.

Mr. Chairman, I urge my colleagues to vote aye on this bill.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 4942, the District of Columbia appropriations bill.

As reported by the Appropriations Committee, this bill contains an appropriation that is $22 million below last year's funding level. Additionally, this bill provides 7 percent less funding than the District requested. But Mr. Speaker, what bothers me the most about this bill is its inherently undemocratic nature. H.R. 4942 contains dozens of general provisions that preempt local decision-making power from the District and redistribute it to the Federal Government. Through these unnecessary and burdensome provisions, this legislation undermines local control and intrudes into the internal affairs of the District of Columbia.

H.R. 4942 contains numerous underfunded priorities, including the following cuts from last year's levels and the administration's requests:

A $3 million reduction in the fiscal year 2000 funding level for the program that assists District of Columbia students who must pay out-of-state college tuition costs. This funding cut is particularly insidious because the District is not a state, and therefore local high school graduates do not have the access to a state system of higher education offered to students in the rest of the country. Education must be one of our highest priorities as a nation, and this bill neglects that goal.

No funds for adoption incentives for children in the District of Columbia foster care system. The administration requested $5 million for this priority, which helps remove children from the foster care system while seeking to place them with a loving and stable family.

In addition to the concerns about funding levels, H.R. 4942 includes a number of legislative riders, several of which have been attached to the bill in prior years. I support the amendments offered by Delegate ELEANOR HOLMES NORTON from the District that would strike approximately 70 general legislative provisions in the bill. These provisions contain regulations and restrictions related to the management and finances of the District Government, as well as a rider that would ban the use of funds for activities intended to secure voting representation in Congress for the District of Columbia.

Mr. Chairman, the residents of the District deserve to be represented in the Congress of the United States, just like the residents of the Third District of Kansas deserve to be represented. District residents deserve the right to advocate the support or defeat of pending legislation before Congress, a right currently enjoyed by residents in all 50 states. The founding Fathers fought the Revolutionary War to protest taxation without representation, and all that the District's residents are requesting is full access to this inherent American right.

Mr. Chairman, I have supported and will continue to support both the theory and practice of ''home rule'' for the District of Columbia. The District's nearly 600,000 residents deserve the same right to self-government that the rest of America enjoys. I urge my colleagues to stand up today for the principle of local government and the belief that all Americans have the inherent right to govern themselves without unnecessary Federal intervention.

Mr. ISTOOK. Mr. Chairman, I urge adoption of the bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 563, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 3 in House Report 106–790 offered by Mr. BILBRAY of California, followed by Amendment No. 2 in House Report 106–790 offered by Mr. SOUDER of Indiana.

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

AMENDMENT NO. 3 OFFERED BY MR. BILBRAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 3 offered by the gentleman from California (Mr. BILBRAY) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 155, not voting 13, as follows:

[Roll No. 472]

AYES—265

Aderholt
Archer
Armey
Baca
Bachus
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (FL)

NOES—155

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballenger
Barrett (WI)
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clyburn
Condit
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Engel
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoyer
Hutchinson
Jackson (IL)
Jefferson
Jenkins
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pascrell
Paul
Pelosi
Pickett
Pomeroy
Rahall
Rangel
Rivers
Rohrabacher
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Snyder
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Velazquez
Wamp
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wynn
Young (AK)

NOT VOTING—13

Becerra
Campbell
Clayton
Eshoo
Gutierrez
Klink
Lazio
McCollum
McIntosh
Neal
Vento
Waters
Wise

□ 1226

Mrs. JONES of Ohio, Mrs. NAPOLITANO, and Messrs. WAMP, HUTCHINSON, and EVANS changed their vote from ''aye'' to ''no.''

Mrs. NAPOLITANO, Ms. DEGETTE, and Messrs. EVANS, DEUTSCH, PRICE of North Carolina, ROTHMAN, and PAYNE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. DUNCAN. Mr. Chairman, on rollcall No. 472 I inadvertently pressed the ''nay'' button. I meant to vote ''aye.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 563, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the remaining amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SOUDER:
In section 150, strike ''Federal''.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 181, not voting 14, as follows:

[Roll No. 473]

AYES—239

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Costello

Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gillmor
Gonzalez
Gordon
Greenwood
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—14

Becerra
Campbell
Chenoweth-Hage
Eshoo
Gutierrez
Klink
Lazio
McCollum
McIntosh
Neal
Taylor (NC)
Vento
Waters
Wise

□ 1235

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BARRETT of Nebraska, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 563, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 207, not voting 10, as follows:

[Roll No. 474]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner

Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—10

Becerra
Campbell
Eshoo
Gutierrez
Klink
Lazio
McCollum
McIntosh
Vento
Wise

□ 1252

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). The chair notes a disturbance in the gallery in contravention of the law and rules of the House.

The Sergeant-at-Arms will remove those persons responsible for the disturbance and restore order to the gallery.

□ 1253

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

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

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

Mr. REYNOLDS. Mr. Speaker, House Resolution 574 is a standard rule providing for consideration of the conference report to accompany the National Aeronautics and Space Administration Authorization Act, known as NASA.

The rule waives all points of order against the conference report and against its consideration. Additionally, the rule provides that the conference report shall be considered as read.

Mr. Speaker, this House could not have picked a more appropriate time for consideration of this conference report.

Earlier this week, the crew of mission STS–106 entered the International Space Station to prepare for the arrival of its first permanent crew.

Those crew members became the first humans to enter the service module which will serve as a living quarters and command and control center for the space station complex, an historic, multinational effort that is expected to create more than 75,000 jobs here at home.

With their scheduled return to Earth on Wednesday, I know that this House and this Nation wishes Commander Terry Wilcutt and the crew of *Atlantis* Godspeed.

Since the dawn of man, the human race has been ingrained with a fascination and a need to slip beyond its boundaries and explore the unknown. From across the continents to the depths of the oceans and to the far reaches of space, that pioneer spirit continues to this day. And its contributions and discoveries have had a significant impact on our society and our way of life.

When Neil Armstrong took that giant leap for mankind on July 20, 1969, perhaps he did not realize that the same technology that protected him from the harsh elements and atmosphere of the Moon would one day allow a 6-year-old boy from Virginia Beach to walk in the sunlight of the Earth.

Just a couple years ago, Mikie Walker became the first American child to receive a modified space suit that protects him from the sun's ultraviolet rays and other light sources.

Suffering from a genetic disorder that causes extreme and potentially dangerous sunlight sensitivity, NASA spacesuit technology allowed him to play outdoors for the first time in his young life.

More than 1,300 documented NASA technologies have benefited U.S. industry, improved our quality of life, and created jobs for Americans.

The Space Shuttle program alone has generated more than 100 technology spin-offs, including a tiny 2-inch by 1-inch, 4-ounce artificial heart pump whose technology was first used to drive fuel through the Space Shuttle.

Mr. Speaker, the underlying legislation will allow NASA to continue to ensure this Nation's leadership role in space exploration and applied science.

The underlying legislation authorizes funding for the Space Shuttle, International Space Station, scientific research, Payload/ELV support and investments in support at the level of the administration's request.

Mr. Speaker, the U.S. space program's new technologies, breakthroughs in medical research and other scientific discoveries have quite literally changed the lives of people across the globe.

Recognizing NASA's development of noninvasive diagnostic capabilities in the life sciences, the underlying legislation includes the House language setting aside $2 million for early detection systems for breast and ovarian cancer.

□ 1300

The legislation reflects Congress' continued endorsement of NASA's faster, better, cheaper concept and belief that a greater number of small missions will do more to advance certain scientific goals than large missions launched just once every decade.

Additionally, NASA has made strides to reduce institutional costs including management restructuring, facility consolidation and procurement reform. Under this legislation, they will be encouraged to continue to pursue these actions. With Congress' commitment to move our space program forward, young Americans will continue to be attracted to fields and job markets like science and engineering, areas that are key to making American industry more competitive across the globe.

I would like to commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) for their hard work on this legislation. I urge my colleagues to support both the rule and the underlying bill.

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

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

Mr. Speaker, I rise in support of this rule, which provides for the consideration of the conference report to accompany H.R. 1654, the National Aeronautics and Space Administration Act of 2000. It is especially fitting that we should consider this conference report today since our shuttle astronauts have been this week working in space

to outfit and activate the International Space Station in preparation for the first full-time crew's arrival in early November. NASA has scheduled a long list of flights to the space station to install modules which will aid in the long-term mission of research that has been designed specifically for this weightlessness scientific laboratory.

To fulfill these important missions of the space agency, this conference agreement authorizes a total of $14.2 billion for NASA in fiscal year 2001 and $14.6 billion in fiscal year 2002.

Mr. Speaker, this is the usual rule providing for the consideration of conference reports, and I urge its adoption.

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

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

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I rise in support of this conference report and in support of the rule. I want to commend the gentleman from California (Mr. ROHRABACHER), chairman and also the ranking member of the Subcommittee on Space and Aeronautics. I also commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the ranking member, the gentleman from Texas (Mr. HALL), for navigating this important authorization through all the necessary hurdles and coming to the floor today with a good bill.

I am pleased that an amendment assisting our farmers and our ranchers I offered during the original consideration of this legislation remains in this final package. The amendment directs the Administrator of NASA to discover and catalog the kind of remote sensing information, commercial and otherwise, that might help farmers and ranchers determine potential crop shortages and surpluses and ultimately make decisions about how they might best use their land.

Our ability to anticipate crop production around the world by using remote sensing technologies has advanced tremendously over the last 30 years. We are now able to estimate yields of some of the major crops, within plus or minus 10 percent 60 days before harvest. That means often within 30 days after planting, in southern climates we can predict expected over- and underproduction before planting starts in some northern areas. By keeping track of what is happening on the ground, with planting date, mosture, etc. we can predict what is happening to that crop. Other farmers can adjust their plantings. We can help stop shortages and excess and maximize profit. We can make sure that there is not hunger because of the lack of knowledge on the part of farmers to plant the kind of acreage necessary to accommodate shortages in other parts of the world.

Once again, I am pleased that this provision has been retained. I am pleased to stand in support of this rule and this legislation.

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

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I rise today in support of the rule and the conference report, the NASA Reauthorization Act. I believe it is a good bill and will continue to support NASA in its science exploration endeavors while maintaining the balance and cost effectiveness within its priorities. I want to specifically thank the chairman of the committee and the ranking member for their continued support of an amendment that I have had included in the legislation.

There have been two major occurrences within the past 10 years that have proven to be a striking blow to national security interests of our Nation. First, the People's Republic of China, the PRC, used information it obtained as a result of our cooperation on satellite technology to upgrade its ballistic missile system and thereby improving its range and accuracy of its booster systems. It also used information obtained as a result of deliberate and successful espionage efforts at our nuclear laboratories at the Department of Energy in order to improve their nuclear warhead arsenal.

While I recognize the value of international cooperation on our space program, it is vital that such cooperation not result in the transfer of inappropriate technology or otherwise increase the threat to U.S. national security and international peace. I believe my amendment accomplishes this by requiring the Inspector General of NASA to assess, on an annual basis, in consultation with the intelligence community, NASA's compliance with export control laws and the exchange of technology and information that could be used to enhance the military capacities of foreign entities.

This amendment reestablishes that it is the policy of the United States to make certain our good faith efforts to share our technological advances with world partners are not turned against us in the form of advanced military threat.

Mr. Speaker, NASA is one of the most respected governmental institutions in the world and its contributions to the technological development in the United States are enormous. This amendment ensures that the reputation so painstakingly earned is never tarnished again. I want to praise the bill's sponsors, especially the chairman of the committee, for standing with us on this amendment and urge passage of this rule and this important legislation.

Mr. FROST. Mr. Speaker, I would urge adoption of the rule, and I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 574, I call up the conference report on the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001 and 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 574, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 12, 2000, at page H7404.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 1654.

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

There was no objection.

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

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of H.R. 1654 and urge my colleagues to vote for the conference report so that we can send this bipartisan bill to the President and have it signed into law.

This bill is endorsed by all the conferees, regardless of party, in both the House and the Senate. I wish to express my appreciation for the hard work of the gentleman from Texas (Mr. HALL), the gentleman from Tennessee (Mr. GORDON), the gentleman from Florida (Mr. WELDON), and the gentleman from California (Mr. ROHRABACHER) and offer my thanks for their services on the conference committee and their suggestions for compromise without which we would not be on the House floor today.

In passing this bill, Congress will help determine the priority investments in science and technology needed to fulfill America's future in space.

H.R. 1654, the NASA Authorization Act of 2000, authorizes the activity of our civilian space program for fiscal years 2001 and 2002. The bill authorizes $14,184,400,000 for NASA in fiscal year

2001, which is about $149 million more than the President requested. It also authorizes $14,465,400,000 for NASA in fiscal year 2002, which is $160 million above the President's request.

The bill fully funds the request for human space flight, including the Space Shuttle and the International Space Station. More importantly, it contains key policy provisions to control cost growth and maintain the schedule of the International Space Station.

The bill caps station costs at $25 billion. We have slightly increased the program reserves that a blue ribbon task force argued were needed to avoid future costs growth. Additionally, we have added a contingency authorization of 20 percent to address the worst case scenarios, such as a partner's withdrawal from the program or the loss of an element during launch. We have also protected the space station design, which will remove a source of future cost growth and scheduled delays.

By moving NASA in the direction of a commercial Transhab structure, we transfer the risks and costs of development to any private sector entrepreneur willing to take them. We have also developed three new provisions to address the Russian situation. For years, the Russian Government has failed to provide the resources needed for the Russian Space Agency to meet its obligations to the International Space Station partnership. These failures have cost the United States some $5 billion and delayed the program's completion by over 4 years.

The Russian Government recently diverted two progress vehicles and a Soyuz spacecraft to Mir, despite previous promises to use them to meet Russia's obligation to the International Space Station. This bill would seek to prevent recurrences by directing the highest levels of the U.S. Government to raise this issue with their counterparts in Russia. Hopefully, by bringing higher level political attention to the problem, we can solve it.

The bill also directs the NASA administrator to seek and renegotiate the appropriate international agreements to bring the benefits each partner receives from its involvement in the International Space Station into line with the partner's actual contributions. This provision will help us return the International Space Station partnership to the equitable foundation required by the Intergovernmental Agreement. Simply put, the administrator would have to seek to reduce Russia's utilization rights while increasing our own and those of our other partners until such time as Russia meets all of its obligations to the International Space Station.

Last but not least, the bill directs the administrator to seek to reduce America's share of the operating costs as compensation for any additional capabilities we provide to our partners through NASA's Russian Program Assurance activities. NASA plans to spend about $1.2 billion directly making up for Russia's failures. Some of this funding will result in a more capable station so it makes sense to reduce our outyear costs vis-a-vis the other partners as compensation for performing above and beyond the call of duty.

In addition to the policy provisions intended to improve our human space flight program, we have increased funding for the critical area of science aeronautics and technology. These critical investments are needed to build a better future and have produced such past scientific and technological breakthroughs as the Topex-Poseidon spacecraft, which has vastly improved our knowledge of the El Nino effect and its impact on the global environment.

NASA's activities in space science have brought us the amazing discoveries of distant planets and black holes by the Hubble Space Telescope and the Chandra X-ray Observatory. Aeronautics research has improved the performance and efficiency of our military and civilian aircraft, while life and microgravity research is helping chart the growth of cancer cells.

□ 1315

These additional funds will accelerate NASA's Near Earth Object Survey to detect asteroids and comets that may threaten Earth, to enable NASA to conduct an Earth Science Data Purchase program that leverages billions in private investments for scientific purposes, to allow NASA to fund additional life and microgravity researchers so that the International Space Station is fully utilized for scientific benefit, and to accelerate NASA's efforts to leverage its scientific efforts to improve math and science education in the United States.

Members may be pleased to hear that we have authorized funding for space grant colleges and universities, which many Members from both sides of the aisle have sought.

There have been no NASA authorization bills sent to the President since 1992. This is the first time in 8 years that the House and the Senate have managed to build a consensus about the policies and priorities that affect the future of our space program. By passing this bill, we hope to give the appropriators additional tools and guidance to use in their annual deliberations. We will provide congressional guidance on a variety of space issues facing NASA and again demonstrate our commitment to the future of science and technology in the United States. I urge my colleagues to adopt this conference report.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say a few words, add a few words to what our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), has said in support of the conference report. The report, of course, provides a 3-year authorization for the National Aeronautics and Space Administration. Specifically, it provides a total authorization of $42.4 billion over the period starting in fiscal year 2000 through fiscal year 2002, including the authorization of $14.184 billion for fiscal year 2001 and $14.62 billion for fiscal year 2002.

While I feel like I may be as conservative maybe as some of the other guys around here in the House, I still believe and I think we are on solid ground when we invest in NASA. I think it is the right thing to do, and I think especially it is the right thing to do now that we finally balanced the Federal budget, and that we are in for some years of surplus years.

Within those overall spending levels, the conference report fully funds NASA's major programs in both fiscal year 2001 and fiscal year 2002, including the International Space Station and the Space Shuttle. As part of the Space Shuttle authorization, funding is provided for needed safety and reliability upgrades to the Shuttle. All of the other accounts are also funded at or above the levels requested by the administration, including the Space Launch Initiative, an initiative that is intended to dramatically reduce the cost of getting payloads into orbit.

An area of research that I am personally interested in is life science and microgravity research. I am very pleased that the conference report increased funding for this important research, research that has already benefited our citizens here on Earth in many ways, and I am convinced that we will see even more significant ventures and more safe returns on our investment in that research once the space station is operational.

Among the areas receiving increases are NASA's educational programs. In particular, funding for the Space Grant program have been increased to $28 million in both fiscal year 2001 and fiscal year 2002. That is an increase of almost $9 million over what the President had requested for fiscal year 2001.

In addition to other very good features of this bill, in addition to the authorization levels, the conference report for H.R. 1654 includes a number of policy provisions. One of the policy provisions, namely section 313 on ''Innovative Technologies for Human Space Flight,'' was proposed by our former chairman and my good friend the late George Brown. Ever the visionary, George wished to push NASA to apply the lessons of faster, better, and cheaper to human space flight, so that human exploration behind Earth's orbit could become affordable for this Nation in the not-too-distant future.

I will not take up a lot more time detailing all the provisions included in H.R. 1654; the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman, has done a very good job of that.

My colleagues have copies of the conference report and accompanying statement of managers available to them. Instead, I would like to close by expressing my appreciation to fellow conferees for all their hard work, including the gentleman from Wisconsin (Chairman SENSENBRENNER), who is not only a good guy, he is very knowledgeable. He is good to work with, and we appreciate him; the gentleman from California (Chairman ROHRABACHER), who worked steadily with us; the gentleman from Tennessee (Mr. GORDON); the gentleman from Florida (Mr. WELDON); Chairman MCCAIN; Chairman FRIST; Chairman STEVENS; Senator HOLLINGS; and Senator BREAUX.

In particular, I again want to commend the chairman for his leadership; as chairman of the conference, it was a difficult conference at times, but I think all the conferees made a good-faith effort to achieve a constructive piece of legislation.

Mr. Speaker, if H.R. 1654 is enacted into law, it will become the first NASA Authorization Act enacted since 1992. I think this is quite an accomplishment. I believe that it is important for both NASA and for the Congress that we do enact H.R. 1654. Furthermore, I believe that the conference report for H.R. 1654 represents a reasonable compromise that will help ensure the continued strength of the Nation's civil space program. I urge my colleagues to support the conference report.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Space and Aeronautics.

Mr. ROHRABACHER. Mr. Speaker, first as the chairman of the Subcommittee on Space Aeronautics, I would like to personally thank the gentleman from Tennessee (Mr. GORDON), my ranking minority member on the committee, for the great spirit of bipartisan spirit that we have shown in working together.

As the gentleman from Texas (Mr. HALL) just stated, this would be the first authorization bill that we will pass, the first NASA authorization bill that we passed since 1992, and let us all hope that we do this and get this through the system. But it has only been possible because of the goodwill and the spirit of compromise and honest disagreement, but also honest spirit of compromise that we have had working with the Members of the other party.

Let me thank especially the gentleman from Texas (Mr. HALL). He is sort of a treasure in this institution, a bipartisan treasure, let me add, in that he has an institutional memory that has served us well on this subcommittee and in our full committee, Committee on Science, and his good sense has helped guide us along here.

And also, of course, the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of this subcommittee. He has provided me personal guidance in this job as chairman of the Subcommittee on Space and Aeronautics and helped us be successful in our mission.

The bill before us now, H.R. 1654, the NASA authorization bill, offers the taxpayer a true choice in advancing America's leadership role in space. I rise in support of this bill, not because it is my role as chairman of the Subcommittee on Space and Aeronautics and as a member of the team that helped draft the legislation, but because it offers the right approach in supporting the Nation's space exploration requirements at a time when we find ourselves on the verge of a technological and scientific epiphany.

H.R. 1654 reflects a bipartisan effort, as I said, to craft legislation enabling NASA to continue its work for the good of the Nation. Moreover, House and Senate conferees on both sides of the aisle labored for many months to ensure that this bill strikes the right balance between setting budget priorities and meeting NASA mission needs, as well as meeting the needs of our country to remain a leader in space exploration and utilization.

H.R. 1654 addresses the full array of elements that support NASA's responsibility for space exploration and near-Earth space transportation missions. In the Human Space Flight section of H.R. 1654, funding for international Space Station, the Space Shuttle, Payload/Expendable Launch Vehicle Support and Investments and support for these things, and support matches the President's request for fiscal year 2001 and fiscal year 2002.

Within the science and aeronautics section and the technology section, the bill either matches or exceeds the President's request for fiscal year 2001 and 2002. And even in the face of major failures involving both Mars missions, we saw fit to authorize increases for space science by the tune of $19 million for fiscal year 2001 and $24 million for fiscal year 2002, and that was above the President's requested level.

That is, again, working together, we realized that if we are going to be a successful player in space, we have got to expect that that success will come with some failures, and we should build upon our failures in order to have a success.

Failures do not precipitate in this committee, bipartisan or should I say partisan, bickering that would in some way set back America's space program. Instead, we see failures as a means to learn and to move forward. It is important to note that space solar power benefits from those increases that I have been talking about today, and this space solar power and ability to relay system for energy and space solar power development is a technology that I believe will help address the energy needs of our country in the future.

Similarly, increases have been authorized for life and microgravity science are 13 percent higher than the President's request for the same year. Further, Earth science, aerospace technology, and academic programs for fiscal year 2001 and 2002 have seen substantial increases over the President's request. And finally, I am pleased to note that H.R. 1654 includes provisions to ensure that cooperative agreements between NASA and the People's Republic of China do not result in China improving its space launch assets and its ballistic missile capabilities.

H.R. 1654 contains a title regarding the International Space Station, including sections dealing with Russia's difficulty in meeting its obligations in the completion of the International Space Station. This issue was addressed by the chairman, and let me say the chairman has provided leadership in making sure that we do have cooperation with Russia, but to be done so in a way that is cost effective for our country.

We also have provisions to ensure that the space station is used for the scientific purposes that it was intended for and not just an engineering project, although, as an engineering project, it is certainly a fantastic and laudable achievement.

NASA's Space Launch Initiative offers the American people the opportunity to change how government has conducted the launch vehicle technology development, and through H.R. 1654, Congress essentially codifies the long-standing view that government launch needs can be supported by a market-competitive space industry.

So we have, and it is not enough, however, to proclaim a national space policy. NASA must stay the course by funding technology and other risk-reduction activities that gives the broadest possible applications of new space technologies.

And so I urge my colleagues to join me in supporting this regulation legislation, the first NASA authorization bill that we have been able to get through this body in about 10 years.

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. GORDON), the ranking member of the Subcommittee on Space and Aeronautics of the Committee on Science.

Mr. GORDON. Mr. Speaker, I rise in support of the conference report on H.R. 1654, the NASA Authorization Act of 2000. I was a conferee on H.R. 1654, and I know the work that went into coming up with an agreement. While it is not a perfect piece of legislation, I believe that it is a constructive agreement that contains a number of useful policy provisions.

It also establishes funding targets for the next 2 years, which can provide important direction and stability for the Nation's civil space program.

The Statement of Managers that accompanies the conference report lays out the major funding authorizations. It also describes some of the policy provisions included in H.R. 1654. As a result, I will not spend a great deal of

time discussing the details of H.R. 1654; instead, I would just like to make the following points:

First, this bipartisan conference report endorses, and in some cases, augments, the administration's funding priorities for NASA. I am pleased that we can get a bipartisan agreement that the administration's vision for NASA should be supported.

Second, the conference report adds funding in several important areas.

One of these areas is in education. I know firsthand in my district how important it is that we do all we can to support science and math education, especially at some of our smaller colleges and universities. Therefore, we have included increased funding for NASA's teacher faculty preparation enhancement programs in this bill.

Mr. Speaker, in addition, many Members recognize the value of the national space grant college and fellowship program, and the bill increases funding for that worthy program.

We also have provided funding above the President's request for minority university research education, and we have increased the funding for the experimental program to stimulate cooperative research.

Another area where the conference has added funding is in the area of aeronautics. We have seen the stresses that the air traffic transportation system is facing these days, and we all are concerned about the impacts on our quality of life.

□ 1330

That is why this conference report significantly increases the amount of funding for research on aircraft noise reduction, and for the development of cleaner, more energy efficient aircraft engines. The bill also makes a significant investment of $70 million in NASA's Aviation Safety Research Program for both fiscal years 2001 and 2002.

Mr. Speaker, I will not take any more time to review the conference report, as I know there are others who would like to speak. Instead, I would just like to close by expressing my appreciation to my fellow conferees in both the House and Senate for their efforts to make this a productive conference. I am pleased that we were able to reach an agreement, and hope the House will support this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON), a member of the conference.

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding me time, and I rise in strong support of this legislation.

I, too, would like to commend the chairman and the ranking member of the full committee and as well the chairman of the subcommittee, the gentleman from California (Mr. ROHRABACHER), and the ranking minority member, the gentleman from Tennessee (Mr. GORDON), for the bipartisan willingness to work together to try to get a bill through. I would also like to acknowledge the staff that worked very hard on this, Eric Sterner on the majority side and Dick Obermann.

I believe we have before us a good piece of legislation that the President should be pleased to sign into law.

It has been said several times that this is the first NASA bill in 8 years. It may also be the first NASA bill to come to the floor of the House while astronauts are orbiting above us as we speak. The Shuttle Atlantis was launched a week ago Friday, and they are completing the initial preparations for making the Space Station ready for a permanent crew, or a crew that will stay on orbit for 4 months that will be launched in November. They are currently working on a lot of electrical work, on getting the station ready and putting a lot of supplies up there.

I think it is a tremendous milestone that we have reached to be able to see the Space Station finally coming together, it has been very hotly debated on the floor of this body, and as well for us to be moving ahead with important legislative priorities for how we are going to manage the Space Station.

One of the features in this bill that I am quite pleased with, and I would just like to echo the comments made by the gentleman from Tennessee (Mr. GORDON) about some of the educational priorities in the bill, I think they are very good. I am particularly pleased about the feature in this bill establishing a new approach to how we handle commercial space. I believe if space is ever going to be utilized the way I think many of us would like to see it utilized, we have to really see a flourishing of commercial operations in space.

What we are trying to do in this legislation is take a new approach as to how we do commercial space. I think it has a tremendous potential to be successful. The proof of the pudding is, of course, always in the eating, so time will tell, but I was very pleased to be able to work with the minority in crafting this bill, and I think it is a good future direction for NASA.

NASA is about the future, and I think we have a lot of reasons to be very pleased with this bill. I encourage all my colleagues to support it.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. LAMPSON) whose district encircles Johnson Space Center.

Mr. LAMPSON. Mr. Speaker, I want to commend not only the ranking member and the chairman for the significant work that has been done to bring this report to us, but all of our colleagues on the conference committee for bringing the first conference report for our NASA authorization bill in 8 years. I know the amount of time and hard work that each put into this bill, as well as the tremendous work of the committee staff, especially on our side, Dick Obermann, and I appreciate every bit of it.

I look forward to lending my support to this conference report, but I want to express my continued concerns about Section 127. Section 127 in its current form retains subsection (a), Replacement Structure, which is a general prohibition against NASA's use of funds authorized for the definition, design, procurement or development of an inflatable space structure to replace any International Space Station components scheduled for launch under the June 1999 Assembly Sequence. Subsection (b) has been revised to reflect an exception to permit NASA to lease or otherwise use a commercially provided inflatable habitation module under certain specified conditions.

As currently included in the June 29 House draft, Section 128 would effectively prevent NASA from jointly developing an inflatable habitation module with a commercial partner, even if NASA's contribution to such joint development were to be constrained to NASA's planned investment and related costs.

NASA is currently evaluating a very serious commercial proposal. Negotiations to date have been based on the principle that NASA would agree to develop an inflatable space structure in conjunction with the commercial participant only if NASA does not assume costs or risk greater than those associated with the baseline non-inflatable habitation module.

I will be introducing legislation today that will modify Section 127(b) to include an exception for joint development, and a clarification that the cost restriction would apply to NASA's planned remaining cost for the baseline habitation module.

That being said, I again want to commend my colleagues on bringing this conference report to the floor. It funds all of NASA's accounts, Space Station, Space Shuttle, Space Launch Initiative, science programs and academic programs, at or above the President's request. We appreciate that. I encourage a yes vote.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG) for the purposes of a colloquy.

Mr. KNOLLENBERG. Mr. Speaker, I rise to engage the distinguished chairman of the Committee on Science (Mr. SENSENBRENNER) in a colloquy.

Mr. Speaker, as we grapple with increasing oil and natural gas prices, we must realize that the administration's flawed 1997 Kyoto Protocol, if implemented, would effectively double our energy costs and sacrifice millions of American jobs. As the gentleman is aware, many people are deeply concerned over administration efforts to implement the protocol prior to Senate ratification as mandated by the Constitution.

Section 315 of the NASA reauthorization legislation would provide $5 million for research on the carbon cycle and carbon sequestration. Sound scientific research on the mapping and monitoring of vegetation and its role

in the carbon cycle is to be commended. However, modeling and research should not cross the line and delve into carbon trading.

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

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

Mr. SENSENBRENNER. Mr. Speaker, I share the concerns of the gentleman from Michigan, and as the chairman of the Committee on Science, I want to assure the gentleman that there was no intent to and indeed this bill does not authorize modeling or research into carbon trading.

Mr. KNOLLENBERG. Mr. Speaker, reclaiming my time, I thank the gentleman from Wisconsin for his attention to this matter.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a member of the committee.

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

Mr. Speaker, I rise today in support of this conference report and to discuss one of the important initiatives which it contains. As has been said, this is the first NASA reauthorization to pass Congress since 1992, and I want to congratulate the chairman and ranking Democratic members on the Committee on Science and the subcommittees, on which I have the pleasure of serving, for the accomplishment of have gotten this bill here.

This is not a perfect bill, but I think, on balance, it represents significant progress. This bill increases funding for many important priorities, including space science, Earth science, aerospace technology, science grants, Historically Black Colleges and Universities and other vital initiatives.

As the former superintendent of North Carolina's schools, I am particularly pleased by the improvements in the educational provisions of this bill, and I am proud to discuss an important education initiative that I recommended and the committee accepted that is a part of this bill.

This bill directs NASA to develop an education initiative for our Nation's schools in recognition of the 100th anniversary of the first powered flight which will take place on December 17, 2003. On this date in 1903, Orville and Wilbur Wright took their dreams of powered flight from the drawing boards of their bicycle shop to the Crystal Coast of North Carolina. On that day, our world was changed forever. The anniversary of this historic accomplishment provides an excellent opportunity for our Nation's schools to promote the importance of math and science and education.

Mr. Speaker, America's future will depend on our ability to adapt to change in technology that will dominate life in the 21st century. Our Nation's record economic growth is being fueled by gains in the technology sector, but recent studies show that America's students are falling behind their counterparts around the world in areas of math and science education. It is no longer a luxury to demand excellence in science and mathematics; it is an absolute necessity.

The 100th Anniversary of Flight Education Initiative will use the history of flight and the benefits of flight on science and mathematics and scientific principles that are underlying the flight to generate interest among students in math and science education. This initiative provides an excellent opportunity to recapture our young people's interests in the wonders of flight and space exploration and rekindle their interests in math and science.

Mr. Speaker, I commend the committee's leaders for including this important provision in the bill, and encourage my colleagues to support this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the conference report for H.R. 1654, the NASA Authorization Act of 2000. I want to certainly commend the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER); and the committee ranking member, the gentleman from Texas (Mr. HALL); as well as the chairman of the Subcommittee on Space and Aeronautics, the gentleman from California (Mr. ROHRABACHER); and the subcommittee ranking member, the gentleman from Tennessee (Mr. GORDON), for their dedication and their efforts in bringing this bill to the floor.

In my home State of Maryland, we are proud to have the Goddard Space Flight Center, the centerpiece of NASA's Earth science enterprise. The space science research that is performed at Goddard is vital, not just for NASA, but for our country. From the Hubble Space Telescope to the Earth Observing System's Mission to Planet Earth to the Tracking and Data Relay Satellite System, which is NASA's primary satellite communications system, Goddard's capabilities and functions are entirely unique to all of NASA's 10 space centers.

The work at Goddard allows us to answer the unexplained questions of our universe and help predict the future of our planet. So I am pleased that the funding levels in this conference report allow Goddard to continue fulfilling its vital scientific research mission.

H.R. 1654 provides a healthy 2-year authorization of appropriations for NASA at $14.184 billion for fiscal year 2001, and $14.625 billion for fiscal year 2002. These funding levels represent an increase over the amount requested by the President of almost $150 million in fiscal year 2001 and $160 million in fiscal year 2002. Specifically, for NASA's space science programs, the conference report increases the President's budget request by $19 million in fiscal year 2001 and $24 million the subsequent year. For Earth science programs, the conference report increases the President's budget request by $25 million in fiscal year 2001 and $25 million in the subsequent year 2002.

So, by authorizing these NASA funding levels, the research at Goddard will advance our understanding of our global environment system. It will also determine how the Earth has evolved, and observe how we interact with other planets.

Mr. Speaker, I support the funding levels and the provisions in this conference report, and I urge my colleagues to support this conference report as well.

□ 1345

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a supporter of NASA and the space station.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me congratulate the chairman of the committee and the ranking member, along with the subcommittee Chair and ranking member. I believe this is a day of great celebration and commemoration. For we hope, as this bill is supported by our colleagues, as I ask for their support, that this may be the first NASA space authorization bill that gets to the President since 1992.

Mr. Speaker, I rise in support of this legislation in particular because of the work that has been done by the conference committee, particularly noting that the conference report includes a $6.3 billion amount for the International Space Station, and $9.45 billion for the Space Shuttle.

Now, there needs to be some substance behind these numbers. Many of my colleagues from Texas, and I appreciate very much the steadfastness of the ranking member on behalf of the various space centers throughout our country, which include, of course, Marshall and Kennedy and, of course, Johnson Space Center, that deal particularly with our Space Shuttle and, as well, our International Space Station.

Mr. Speaker, I am gratified for the investment, because my concern has always been that we need to build leaders for space and science in the future; and out of this funding for the NASA space effort comes the recognition that we must support, historically supporting Asian, Hispanic and African American colleges. There is $54 million to provide for the research and education of young people at these institutions. I am very gratified that institutions like Texas Southern University, Oakwood College in Huntsville, Texas Southern University being in Houston, Texas, will be able to access these dollars to provide opportunities for young students to come in and actually confront the issues of space.

I am gratified, likewise, that we have the dollars to begin to assess the needs of training our young people in the primary and secondary schools in math and science.

Mr. Speaker, just an hour or so ago I was listening to a technology conference that spoke about the need of improving the scores of our young people in primary and secondary education in math and science. The only way we can do it is if we focus on it; and I am very delighted that NASA funding in an educational component mentioned by my colleague will include the opportunity for us to make it interesting to study math and science.

I do want to note the Johnson Space Center and many of the sort of complementary efforts that it has made with our school districts, and I look forward to that work being done even more.

I do want to note as well that the conference report does not include a prohibition on the use of funds for the Triana satellite program, and I believe that was a prudent decision by the conferees. We must keep our resource choices open in the area of space exploration, especially in light of the recent discoveries on the surfaces of Mars and the Moon. There was a vigorous debate about that, and I am delighted that we have been able to secure the funding for the Triana program. I think it is vital and necessary.

I am, however, concerned that the agreement still retains a House provision prohibiting the use of funds for the development of Trans-Hab, an inflatable space structure to replace any baseline module on the space station. I think that there is some light at the end of the tunnel, because there is the opportunity to produce this privately; but I hope to join the gentleman from Texas (Mr. LAMPSON) in hoping that we can also engage with public funds to do this important work.

Finally, I would say that many people question what we do with monies when we give it to the space station and the Space Shuttle. I am reminded of the great strides we have made in diabetes research, heart research, HIV/AIDS research, cancer research; but the most important aspect of what we do is to keep America in front of the technological curve and to work with our partners to develop opportunities in enhancing environment, better fuel resources, and training our young people for the work of the 21st century. I congratulate our committee, and I hope the President will sign this bill.

Mr. Speaker, I rise in strong support of the passage of H.R. 1654, the Conference Report on NASA Reauthorization. When the House passed the bill by a vote of 259–168 on May 19, 1999 and the Senate amended the bill and passed it by unanimous consent on Nov. 5, 1999 it became obvious that this is a bipartisan measure in the truest sense.

Because of the strategic location of the constituents of the 18th Congressional District of Houston, Texas, both physically and passionately to America's space effort, I approach this hearing with much concern. The Johnson Space Center in Houston, Texas has been designated the lead center for management of the Space Station program.

The health of America's space program is of vital concern to all of the Members of the House Science Committee. This concern is strongly felt by those of us on the Subcommittee on Space Aeronautics because we are charged with the heavy responsibility of recommendation and oversight of the United States involvement in space exploration.

The last time a NASA reauthorization bill reached the president was in 1992. Since then, funding and policy decisions for NASA have been made in the VA–HUD appropriations bill.

This agreement authorizes $42.4 billion for FY 2000 through FY 2002 for the National Aeronautics and Space Administration (NASA)—including $13.6 billion in FY 2000, $14.2 billion in FY 2001 and $14.6 billion in FY 2002. The FY 2001 authorization is approximately $149 million more than the administration's request, $430 million more than the House-passed bill and $220 million more than the Senate version. The agreement provides approximately $160 million more than the president requested in FY 2002, $780 million more than in the House-passed bill and $410 million more than the Senate-passed measure.

FY 2000 authorizations, reflecting the FY 2000 appropriations, include $5.5 billion for Human Space Flight, $5.6 billion for Science, Aeronautics and Technology, $2.5 billion for Mission Support and $20 million for the NASA Inspector General.

The authorization total of $2.1 billion is provided for the international space station in FY 2001 and $1.9 billion in FY 2002. The agreement includes a cost cap of $25.0 billion for development of the international space station. Space shuttle launch costs connected with assembly of the space station are capped by the agreement at $17.7 billion.

Unlike the House-passed bill, the agreement does not include a prohibition on the use of funds for the Triana satellite program, which I believe to be a prudent decision by the conferees. We must keep our research choices open in the area of space exploration especially in light of the recent discoveries on the surface of Mars and the Moon.

The agreement retains the House provision prohibiting the use of funds for the development of Trans-Hab, an inflatable space structure, to replace any baseline module on the space station. The agreement, however, does permit NASA to lease a privately developed Trans-Hab.

I believe that the reauthorization of NASA is long overdue, but that it is better that the 106th Congress took its time to act than to have not acted at all in this vital area of our nation's interest.

I thank the conferees for their dedication in completing the work on this legislation and would urge all of my colleagues to vote in favor of its passage.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), the vice chairman of the Committee on Science.

Mr. EHLERS. Mr. Speaker, I thank the chairman for yielding me this time.

We have heard a great deal of discussion about the specifics of this bill. I simply wish to add some general comments about it.

First of all, I want to congratulate the chairman of the Committee on Science for successfully, for the first time in almost a decade, getting a conference report on NASA authorization with the Senate's cooperation. I believe this is a good omen for the future, and I certainly congratulate the chairman for his hard work and his success.

Over the past half century, America has led the world in science. Also during that half century, space science has captured the imagination of the American public to a greater extent than any other scientific work that we have performed. Taking a trip to the Moon was a momentous event, not only for our Nation, but for our entire planet; and we continue to bask in that accomplishment today.

However, now we are down to the hard work of not only exploring space, but learning more about our universe through experimentation in space. This is grinding hard work, perhaps not as glorious as going to the Moon, but extremely important; and I am very pleased that this bill will increase our ability to perform space science as the United States, with the cooperation of other nations, during the next half century. It will be a long time before we engage in interplanetary travel, so we will not have that spectacular show for some time; but we will get a lot accomplished in space thanks to this bill, and it will provide a great deal of knowledge that will be very useful to our Nation and to the people of our planet in the future as we continue to expand the boundaries of our knowledge and find uses for the results that we find.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

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

Mr. LARSON. Mr. Speaker, I rise in strong support of the conference report and add to the chorus of extending my personal gratitude for the outstanding leadership performed by the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science, and the gentleman from Texas (Mr. HALL), the ranking member, and the other distinguished members of the conference committee and the Committee on Science in general for their hard work.

I also would like to commend directly the men and women of NASA and their visionary leader, Administrator Dan Goldin. His vision of aerospace as a commercial industry, and as continued space exploration, the confluence in coming together of biotechnology, information technology, and the nanosciences is what places this country on the cutting edge of technology.

I have had the opportunity to bring our astronauts to our schools. These heroes of space exploration indeed are an inspiration to all of our children.

Now, this is just a small portion of what NASA does for the continuing education of our children, especially in the critical areas of math and science.

I would also like to thank very much the conference committee for including the ultra-efficient engine technology. As Administrator Goldin has pointed out, when it comes to engine technology, there is no greater core science that goes into the creation of machine than that science, math and engineering capability that goes into the making of aircraft.

Again, I commend the chairman and the entire committee.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time, just to say that this is a good bill, it is an excellent compromise, it is something that has been done for the first time in 8 years. I urge the membership to support it.

Mr. COOK. Mr. Speaker, H.R. 1654, the National Aeronautics and Space Administration Authorization Act is a fiscally responsible space bill that not only authorizes appropriations for NASA, but also imposes rules and restrictions on the space agency to ensure appropriate spending of federal funds.

As a member of the House Committee on Science, and as a member of the Space and Aeronautics Subcommittee, I am very concerned that NASA receives adequate funding. Citizens of the United States benefit economically from the many technologies learned through space exploration. Much of today's technology came from the space program, and much of tomorrow's technology will come from research taking place today. These new technologies will not only make our lives better but also will increase health and medical advances, labor and time saving devices, transportation and improve communication devices. Clearly, the new technologies generated from our space program greatly impact our economic growth and our ability to remain competitive in the world marketplace.

Additionally, the bill will set a spending cap on Space Station development thereby forcing our foreign partners to live up to their commitments.

Mr. Speaker, it is vital for the U.S. to remain on the cutting edge of scientific discoveries and technological advances, and H.R. 1654 provides the funding to ensure that NASA spearheads both of these efforts. I urge my colleagues to support this Act and safeguard the future of generations to come.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 1654, the NASA Reauthorization bill. This is an exciting week to bring this legislation to the floor as the crew of the Space Shuttle Atlantis prepares the International Space Station for full-time service. In addition to the Space Station, this bill provides funding for NASA's other priorities including the Space Shuttle Program and for the Earth and Space Science program.

I opposed this legislation when the House first took it up because of efforts to kill the Triana Satellite Mission. Triana, a project directed by the Scripps Institution of Oceanography in La Jolla, California in conjunction with the Goddard Space Flight Center in my District, would provide not only a real-time view of the Earth for distribution on the Internet, but will also include instruments to study solar influences on climate, ultraviolet radiation, space weather, and the microphysical properties of clouds. I thank my colleagues in the Senate for taking the partisanship out of this important program.

This conference report also authorizes significant funding for the Science, Aeronautics, and Technology Account. The $2.3 billion for Space Science will insure that the Hubble Space Telescope Program continues to provide us with phenomenal data over the next ten years. It is crucial that Hubble's successor, the Next Generation Space Telescope, receive the necessary support to match and surpass Hubble's success. In addition, the $1.5 billion for NASA's Earth Science programs will insure that programs like the Landsat, a cornerstone of NASA's Earth Science Enterprise, can continue to study the Earth's global environment, and that the Terra Satellite, which has been vital in the past week in fighting wild fires in the west, receives the funding necessary for continuing operations.

I urge my colleagues to support this conference report and support NASA as we continue to explore our last frontier.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the conference report.

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

Mr. KOLBE. 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 399, nays 17, not voting 17, as follows:

[Roll No. 475]

YEAS—399

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

Wicker	Woolsey	Young (AK)
Wilson	Wu	Young (FL)
Wolf	Wynn	

NAYS—17

Barrett (WI)	Lee	Sanders
Chenoweth-Hage	McInnis	Sanford
Coble	Miller, George	Schaffer
Conyers	Paul	Stark
DeFazio	Ramstad	Tancredo
Frank (MA)	Roemer	

NOT VOTING—17

Ackerman	Ford	Martinez
Armey	Greenwood	McCollum
Becerra	Gutierrez	McIntosh
Campbell	Klink	Vento
Clay	Lazio	Wise
Eshoo	Linder	

□ 1424

Mr. HASTINGS of Florida changed his vote from ''nay'' to ''yea''.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING RON LASCH ON HIS RETIREMENT

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

Mr. THOMAS. Mr. Speaker, I have asked to speak out of order for 1 minute because there is a situation here on the floor that may not recur again. There are many new Members here who are beginning to learn that this institution could not run without the staffs that sometimes are never acknowledged or recognized but go about their work very quietly and efficiently.

Unfortunately, someone who had been of great assistance to our side of the aisle for more than 42 years decided to leave just as quietly and efficiently as he had carried out his job over the years. I am not able to deal with the efficiency of his leaving, but I do think we can deal with the quietness.

Somewhere back there is the gentleman by the name of Ron Lasch. I would ask Ron Lasch to come to the floor. Mr. Speaker, as usual, Ron Lasch is not to be found. But for 42 years, he provided this House with good counsel and assistance in doing our jobs.

There are a number of people who make our jobs possible who do not get the desired or needed or worthy recognition. I just thought it would be nice, since he may not be able to be here again or he will not be here again after this particular occasion, to say to one of our long-time employees, thank you very much, Ron Lasch.

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

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I am sorry that Ron is not on the floor, but I want to rise on behalf of all of us on this side of the aisle. The gentleman from California indicated that Ron Lasch has been helpful to his side. That is of course very true. He is, after all, assigned that responsibility.

On the other hand, I want my colleagues to know and I want everybody to know that those of us on this side of the aisle who happened to be on the gentleman's side of the aisle and needed a question answered felt very comfortable talking to Ron Lasch. Because Ron Lasch, although he served in a partisan role, clearly felt himself an institutional person who wanted to facilitate the workings of this institution on behalf of the American people.

I want to join the gentleman from California (Mr. THOMAS), the chairman of the Committee on House Administration in saying that we share his congratulations and appreciation for all the work that Ron Lasch has done and the service that he has performed for everybody on the floor of the House and for the American public.

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

Mr. THOMAS. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I happen to know Mr. Lasch is, in fact, seeing this telecast, and he ought to come to the floor if he can. But I think that what is most important about Ron Lasch is that, as he sat in the back, he was always kind of a governor on sometimes the crazy emotions that this House gets itself whipped up into.

What Ron Lasch is always able to do is to really, he has been around so long, is to be so grounded and to immediately translate a sense of responsibility and a sense of self-control and a sense of humility to every Member. If Ron looked one in the eye and called one on something, one listened to him. Because he had seen so much, and he had such a great sense of this place.

Many times, Members of Congress get, as we all do in life, get full of ourselves. Ron Lasch is one guy that always said, Wait a minute. Remember, you came in here. It is a privilege to serve, and you are going to leave this place. And trust me, when you go out the door, you are only what you are when you came in the door, just another human being trying to do a job.

□ 1430

And he is a great, great guy, I think one of the best that we have ever had in this House; and the House will very much miss him. But I have a suspicion that he will move in and out.

To the younger Members, they should avail themselves of Ron Lasch in these last couple weeks that he will be around this floor.

Speaking for many of the Members who have been here for a long time, I think it would be fair for me to say, Ron Lasch, thank you, God bless you, and Godspeed.

Mr. THOMAS. Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for bringing Ron's name before us once again. He left us so suddenly, none of us really had an opportunity to wish him well or to say a proper goodbye.

Ron served both sides of the aisle in an appropriate manner. He was not only a time keeper, a controller of emotions in the back of the room, but he was a good advisor.

I had the opportunity of having Ron join us on several of our CODELs where he added a great deal and was able to exchange thinking with parliamentarians overseas.

So I thank the gentleman for raising this. We wish Ron good health and happiness in his retirement.

Mr. THOMAS. Mr. Speaker, I yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I say I can say without fear of contradiction that I probably have known Ron Lasch longer than any other person in this Chamber because Ron Lasch and I came to Congress together as pages just a few months apart when we were at the age of 16 years.

Earlier this summer we did some tributes to Ron Lasch but, of course, he chose, as he has today, to not be here on the floor.

Mr. THOMAS. Mr. Speaker, reclaiming my time, we almost got him.

Mr. KOLBE. Mr. Speaker, if the gentleman will continue to yield, we almost got him today. The gentleman is absolutely right.

So I would simply repeat what I said in that tribute, and that is that this body is poorer for his absence; and we have been richer as an institution for what he brought to this body, the sense of calm, the sense of history, the sense of understanding of where this place is and where it is going.

I think that he has elevated and has leavened this body I think substantially. I believe that the House of Representatives will miss him tremendously. I know all of us individually will. I wish him well.

Mr. THOMAS. Mr. Speaker, just let me say that, as we move into this period in which demands are going to be made that are actually inhumane and we expect materials to be prepared in absolute time frames, for those staff who are here and continue to carry on the work, I just think that they also need to get recognition, credit, and a ''thank you'' ahead of time. All too often we fail to say, it is not just us. Because, without them, it would not be us.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I commend Ron Lasch. He is a real loss to our Chamber. We all know him as an institutional citizen dedicated to the House of Representatives and dedicated to legislative government.

On a trip to Australia and New Zealand where we met with cabinet ministers and members of their parliament who had made their governments more effective and efficient, Ron was a great asset to us given his knowledge about comparisons he had seen in other parts of the world.

He knew the great history of the House of Representatives. He was dedicated. He is a very humble person, who helped many of us when as newcomers we sought this advice. And anyone that did not ask his advice should have because they would then have learned what kind of fine institution is the House of Representatives. He provided good advice to those who wanted to become effective legislators.

It is good to see Ron back. I hope that he will take these various encomiums with the respect and affection of his elected friends as he retires from the House that was his home for so long.

Mr. THOMAS. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, I want to thank the Chair of the Committee on Appropriations and the ranking member for allowing us to disrupt the proceedings.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks regarding consideration of the conference report to accompany H.R. 4516 and that the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona (Mr. KOLBE) may include tabular and extraneous material.

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

There was no objection.

CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 565, I call up the conference report on the bill (H.R. 4516) making appropriations for the legislative branch for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of legislative day of July 26, 2000 at page H7095.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very happy to bring this conference report to the House. It was ready for consideration by the House before we recessed for our respective political conventions. But because of the schedule, we are just now getting to it today. The conference report includes three bills that have already been passed by the House.

As my colleagues know, Mr. Speaker, the House has passed all 13 of our appropriations bills. We also passed the major supplemental that was requested by the President this year. We have already considered the conference report on that supplemental and on the Defense appropriations bill and the Military Construction appropriations bill. And so, we are on the move here.

I am happy to report that this conference report includes the Legislative Branch appropriations bill and also the Treasury Postal bill, which funds in part the executive offices of the Executive Branch of Government, including the White House.

It also includes a bill that was passed in the House by a vote of 420–2 on repeal of the Spanish-American War tax on telephone services.

And so, we have those three bills that passed the House with substantial votes included in this conference report. Even the Treasury Postal bill passed the House by a vote that could be considered a landslide relative to previous votes. We passed that bill by a vote of 216–202. That is a lot better vote than we usually get on that bill. Nevertheless, we have worked hard with our counterparts in the other body, and we bring this conference report today.

Mr. Speaker, I include for the RECORD the following table for the Treasury and General Government Appropriations Bill, 2001:

H.R. 4985 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	134,034	161,006	149,437	149,610	156,315	+22,281
Contingent emergency supplemental	24,900			502		-24,900
Department-wide systems and capital investments programs	43,448	99,279	41,787	37,279	47,287	+3,839
Office of Inspector General	30,599	33,608	31,940	32,899	32,899	+2,300
Inspector General for Tax Administration	111,781	118,427	115,477	118,427	118,427	+6,646
Treasury Building and Annex Repair and Restoration	22,700	31,000	31,000	22,700	31,000	+8,300
Expanded Access to Financial Services		30,000	2,000	400	2,000	+2,000
Money Laundering Strategy		15,000				
Financial Crimes Enforcement Network	27,818	34,694	34,694	37,576	37,576	+9,758
Counterterrorism Fund (emergency funding)		55,000		55,000	55,000	+55,000
Violent Crime Reduction Programs	130,081					-130,081
Federal Law Enforcement Training Center:						
Salaries and Expenses	84,027	93,483	93,483	93,198	94,483	+10,456
Acquisition, Construction, Improvements, & Related Expenses	21,175	17,331	17,331	29,205	29,205	+8,030
Total	105,202	110,814	110,814	122,403	123,688	+18,486
Interagency Law Enforcement: Interagency crime and drug enforcement	60,502	103,476	103,476	90,976	103,476	+42,974
Financial Management Service	200,555	202,851	198,736	202,851	206,851	+6,296
Bureau of Alcohol, Tobacco and Firearms: Salaries and Expenses	564,773	760,051	731,325	724,937	768,695	+203,922
United States Customs Service:						
Salaries and Expenses	1,698,227	1,887,866	1,822,365	1,804,687	1,863,765	+165,538
Harbor Maintenance Fee Collection	3,000	3,000	3,000	3,000	3,000	
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	108,688	156,875	125,778	128,228	133,228	+24,540
Automation modernization:						
Automated Commercial System		123,000	123,000	123,000	123,000	+123,000
International Trade Data System		5,400	5,400	5,400	5,400	+5,400
Automated Commercial Environment		210,000	105,000		130,000	+130,000
Subtotal		338,400	233,400	128,400	258,400	+258,400
Customs Services at Small Airports (to be derived from fees collected)	2,000	2,000	2,000	2,000	2,000	
Offsetting receipts	-2,000	-2,000	-2,000	-2,000	-2,000	
Total	1,809,915	2,386,141	2,184,543	2,064,315	2,258,393	+448,478
Bureau of the Public Debt	177,143	182,901	182,901	182,901	182,901	+5,758
Payment of government losses in shipment	1,000	1,000	1,000	1,000	1,000	
Internal Revenue Service:						
Processing, Assistance, and Management	3,280,250	3,699,499	3,487,232	3,506,939	3,567,001	+286,751
Tax Law Enforcement	3,336,838	3,443,859	3,332,676	3,378,040	3,382,402	+45,564
Earned Income Tax Credit Compliance Initiative	144,000	145,000	145,000	145,000	145,000	+1,000
Information Systems	1,455,401	1,583,565	1,488,090	1,505,090	1,545,090	+89,689
Information technology investments		71,751				
Advance appropriation, FY 2002		422,249				
Total, FY 2001	8,216,489	8,943,674	8,452,998	8,535,069	8,639,493	+423,004
Advance appropriation, FY 2002		422,249				
United States Secret Service:						
Salaries and Expenses	667,312	824,500	823,800	778,279	823,800	+156,488
Title II general provisions (P.L. 106-113)	10,000					-10,000
(By transfer)	(21,000)					(-21,000)
Contingent emergency supplemental	10,000					-10,000
Acquisition, Construction, Improvements, & Related Expenses	4,185	5,021	5,021	4,283	8,941	+4,756
Total	691,497	829,521	828,821	782,562	832,741	+141,244
Total, title I, Department of the Treasury	12,352,437	14,520,692	13,200,949	13,161,407	13,597,742	+1,245,305
Current year, FY 2001	12,352,437	14,098,443	13,200,949	13,161,407	13,597,742	+1,245,305
Appropriations	(12,317,537)	(14,043,443)	(13,200,949)	(13,105,905)	(13,542,742)	(+1,225,205)
Emergency funding	(34,900)	(55,000)		(55,502)	(55,000)	(+20,100)
Advance appropriations, FY 2002		422,249				
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	28,620	29,000	29,000		29,000	+380
Advance appropriation, FY 2002	64,436	67,093	67,093	67,093	67,093	+2,657
Total	93,056	96,093	96,093	67,093	96,093	+3,037

H.R. 4985 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	250	390	390	390	390	+140
Salaries and Expenses	52,243	53,288	52,135	53,288	53,288	+1,045
Executive Residence at the White House:						
Operating Expenses	9,225	10,900	10,286	10,900	10,900	+1,675
White House Repair and Restoration	808	5,510	658	5,510	968	+160
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,609	3,673	3,664	3,673	3,673	+64
Operating expenses	330	354	354	354	354	+24
Council of Economic Advisers	3,825	4,110	3,997	4,110	4,110	+285
Office of Policy Development	4,017	4,032	4,030	4,032	4,032	+15
National Security Council	6,970	7,165	7,148	7,165	7,165	+195
Office of Administration	39,050	43,737	41,185	43,737	43,737	+4,687
Contingent emergency supplemental	8,400	.....	.....	.....	.....	-8,400
Office of Management and Budget	63,256	68,786	67,143	67,935	68,786	+5,530
Office of National Drug Control Policy:						
Salaries and expenses	22,823	25,400	24,759	24,312	24,759	+1,936
Title II general provisions (P.L. 106-113)	3,000	.....	.....	.....	.....	-3,000
Counterdrug Technology Assessment Center	29,052	20,400	29,750	29,052	29,053	+1
Total	54,875	45,800	54,509	53,364	53,812	-1,063
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	191,271	192,000	217,000	196,000	206,500	+15,229
Special forfeiture fund	215,297	259,000	219,000	144,300	233,600	+18,303
Unanticipated Needs	996	1,000	.....	.....	.....	-996
Elections Commission of the Commonwealth of Puerto Rico	.....	2,500	.....	.....	.....	.....
Total, title III, Executive Office of the President and Funds Appropriated to the President	654,422	702,245	681,499	594,758	691,315	+36,893
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase from People Who Are Blind or Severely Disabled	2,664	4,158	4,158	4,158	4,158	+1,494
Federal Election Commission	38,008	40,500	40,240	39,755	40,500	+2,492
Federal Labor Relations Authority	23,737	25,058	25,058	25,058	25,058	+1,321
General Services Administration:						
Federal Buildings Fund:						
Appropriations	-20,022	681,871	.....	.....	464,154	+484,176
Advance appropriation, FY 2002-2004	.....	477,484	.....	374,345	276,400	+276,400
Limitations on availability of revenue:						
Construction and acquisition of facilities	(74,979)	(779,788)	.....	(3,000)	(472,176)	(+397,197)
Rescission of funds in P.L. 104-208	(-20,782)	.....	.....	.....	.....	(+20,782)
General provisions (sec. 410)	.....	.....	.....	(2,500)	(2,500)	(+2,500)
Repairs and alterations	(598,674)	(721,193)	(490,592)	(671,193)	(671,193)	(+72,519)
Installment acquisition payments	(205,668)	(185,369)	(185,369)	(185,369)	(185,369)	(-20,299)
Rental of space	(2,782,186)	(2,944,905)	(2,944,905)	(2,944,905)	(2,944,905)	(+162,719)
Building Operations	(1,580,909)	(1,624,771)	(1,580,909)	(1,624,771)	(1,624,771)	(+43,862)
Subtotal	(5,242,416)	(6,256,026)	(5,201,775)	(5,431,738)	(5,900,914)	(+658,498)
Repayment of Debt	(100,000)	(70,595)	(70,595)	(70,595)	(70,595)	(-29,405)
Total, Federal Buildings Fund, FY 2001	-20,022	681,871	.....	.....	464,154	+484,176
(Limitations)	(5,342,416)	(6,326,621)	(5,272,370)	(5,502,333)	(5,971,509)	(+629,093)
(Rescission of limitations)	(-20,782)	.....	.....	.....	.....	(+20,782)
Policy and Operations	116,223	136,980	115,434	123,420	123,920	+7,697
Contingent emergency supplemental	3,300	.....	.....	.....	.....	-3,300
Disposal of property	.....	8,000	.....	.....	.....	.....
Office of Inspector General	33,317	34,520	34,520	34,520	34,520	+1,203
Allowances and Office Staff for Former Presidents	2,241	2,517	2,517	2,517	2,517	+276
General provision (P.L. 106-113, Title II)	2,000	.....	.....	.....	.....	-2,000
Expenses, Presidential transition	.....	7,100	.....	7,100	7,100	+7,100
Total, General Services Administration, FY 2001	137,059	870,988	152,471	167,557	632,211	+495,152
Advance appropriations, FY 2002-2004	.....	477,484	.....	374,345	276,400	+276,400
Merit Systems Protection Board:						
Salaries and Expenses	27,481	29,437	28,857	29,437	29,437	+1,956
Limitation on administrative expenses	2,430	2,430	2,430	2,430	2,430	.....
Federal payment to Morris K. Udall scholarship and excellence in national environmental policy foundation	1,992	3,000	2,000	1,000	2,000	+8
Environmental Dispute Resolution Fund	1,245	1,250	1,250	500	1,250	+5

H.R. 4985 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
National Archives and Records Administration:						
Operating expenses	179,674	209,393	195,119	209,393	209,393	+29,719
Reduction of debt	-5,598	-5,598	-5,598	-5,598	-5,598	.....
Repairs and Restoration	22,296	99,560	5,650	4,950	95,150	+72,854
Advance appropriation, FY 2002	.....	.....	.....	88,000	.....	.....
Records Center Revolving Fund	22,000	.....	.....	.....	.....	-22,000
National Historical Publications & Records Commission: Grants program	6,250	6,000	6,000	6,450	6,450	+200
Rescission	-2,000	.....	.....	.....	.....	+2,000
Total	222,622	309,355	201,171	215,195	305,395	+82,773
Advance appropriation, FY 2002	.....	.....	.....	88,000	.....	.....
Office of Government Ethics	9,080	9,684	9,684	9,684	9,684	+604
Office of Personnel Management:						
Salaries and Expenses	90,240	100,558	93,471	94,095	94,095	+3,855
Limitation on administrative expenses	95,124	101,986	101,986	99,624	101,986	+6,862
Office of Inspector General	956	1,360	1,360	1,356	1,360	+404
Limitation on administrative expenses	9,608	9,745	9,745	9,708	9,745	+137
Government Payment for Annuitants, Employees Health Benefits	5,105,395	5,427,166	5,427,166	5,427,166	5,427,166	+321,771
Government Payment for Annuitants, Employee Life Insurance	36,200	35,000	35,000	35,000	35,000	-1,200
Payment to Civil Service Retirement and Disability Fund	9,120,558	8,940,051	8,940,051	8,940,051	8,940,051	-180,507
Total, Office of Personnel Management	14,458,081	14,615,866	14,608,779	14,607,000	14,609,403	+151,322
Office of Special Counsel	9,703	11,147	10,319	10,733	11,147	+1,444
United States Tax Court	35,045	37,439	37,305	35,474	37,305	+2,260
Total, title IV, Independent Agencies	14,969,147	16,437,796	15,123,722	15,610,326	15,986,378	+1,017,231
Current year, FY 2001	14,969,147	15,960,312	15,123,722	15,147,981	15,709,978	+740,831
Appropriations	(14,967,847)	(15,960,312)	(15,123,722)	(15,147,981)	(15,709,978)	(+742,131)
Rescissions	(-2,000)	.....	.....	.....	.....	(+2,000)
Advance appropriations, FY 2002-2004	.....	477,484	.....	462,345	276,400	+276,400
Grand total	28,069,062	31,756,826	29,102,263	29,433,584	30,371,528	+2,302,466
Current year, FY 2001	28,004,626	30,790,000	29,035,170	28,904,146	30,028,035	+2,023,409
Appropriations	(27,968,426)	(30,735,000)	(29,035,170)	(28,848,644)	(29,973,035)	(+2,004,609)
Emergency funding	(38,200)	(55,000)	.....	(55,502)	(55,000)	(+16,800)
Rescissions	(-2,000)	.....	.....	.....	.....	(+2,000)
Advance appropriations, FY 2002-2004	64,436	966,826	67,093	529,438	343,493	+279,057
(Limitations)	(5,342,416)	(6,326,621)	(5,272,370)	(5,502,333)	(5,971,509)	(+629,093)
(Rescission of limitations)	(-20,782)	.....	.....	.....	.....	(+20,782)
Scorekeeping adjustments:						
Bureau of The Public Debt (Permanent)	142,000	145,000	145,000	145,000	145,000	+3,000
Federal Reserve Bank reimbursement fund	128,000	131,000	131,000	131,000	131,000	+3,000
Limitation on admin expenses adjustment to BA	-1,561	.....	.....	.....	.....	+1,561
US Mint revolving fund	11,000	14,000	14,000	14,000	14,000	+3,000
Sallie Mae	1,000	1,000	1,000	1,000	1,000	.....
Federal buildings fund	-119,366	63,000	-309,000	-79,000	-74,000	+45,366
Advance appropriations:						
Postal service, FY 2000/2001	71,195	64,436	64,436	64,436	64,436	-6,759
Postal service, FY 2001/2002	-64,436	-67,093	-67,093	-67,093	-67,093	-2,657
IRS, FY 2002	.....	-422,249	.....	.....	.....	.....
GSA, FY 2002-2004	.....	-477,484	.....	-374,345	-276,400	-276,400
National Archives, FY 2002	.....	.....	.....	-88,000	.....	.....
Conveyance of land to the Columbia Hospital for Women (sec. 410)	-8,000	.....	.....	.....	.....	+8,000
NOAA retirement provision (sec. 654), FY 1999	5,650	.....	.....	.....	.....	-5,650
Government-wide early buyout (sec. 651)	30,000	.....	.....	.....	.....	-30,000
GSA early buyout (sec. 411)	-1,000	.....	.....	.....	.....	+1,000
FY 1999 supplemental (sec. 654)	-5,650	.....	.....	.....	.....	+5,650
Across the board cut (0.38%)	-73,000	.....	.....	.....	.....	+73,000
OMB/CBO adjustment	72,153	.....	.....	.....	.....	-72,153
OMB/CBO adjustment (mandatory to discretionary)	(-408)	.....	.....	.....	.....	(+408)
Total, scorekeeping adjustments	187,985	-548,390	-20,657	-253,002	-62,057	-250,042
Total mandatory and discretionary	28,257,047	31,208,436	29,081,606	29,180,582	30,309,471	+2,052,424
Mandatory	14,532,995	14,679,607	14,679,607	14,679,607	14,679,607	+146,612
Discretionary	13,724,052	16,528,829	14,401,999	14,500,975	15,629,864	+1,905,812

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

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, as of this point, we have 2 of the 13 appropriation bills which must pass by October 1 actually through the system. Both of those bills fund the same department. Other than that, we have a lot of bills that are still caught midstream at various points between the two Houses.

This bill is, unfortunately, part of an unfortunate process under which decisions have evidently been made to send yet more bills down to the President which will be veto bait rather than bills that will be likely to become law.

That does nothing to put us any closer to getting our work done by the end of the fiscal year. And I regret that.

The legislative appropriations bill started out as a bill which every single Member of the minority side was willing to sign and send on to the other body and the President. Unfortunately, it was been packaged with a number of other unrelated items, other appropriations bills, as well as tax provisions which have no business in the bill.

In essence, at this point, this dog has three tails and no legs. It is not going anywhere. And the sooner we dispose of it, the sooner we can get back to reality.

I do not expect, unfortunately, that we are going to see many Members on this side voting for this bill because it, unfortunately, is another exercise in futility at this point.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. TAYLOR), who chairs the Subcommittee on Legislative Branch Appropriations, which is the primary vehicle for this conference report.

Mr. TAYLOR of North Carolina. Mr. Speaker, first I would like to thank again our staff and ranking members for the cooperation in the Legislative Branch bill.

The conference agreement appropriates $2.53 billion for fiscal year 2001.

Compared to FY 2000, including supplementals, the conference report is an increase of $40 million, about 1.6 percent.

In personnel, the conference report cuts 47 equivalent jobs. There are no layoffs or RIFs, and all COLAs are funded.

Since 1994, we have cut 4,222 jobs throughout the legislative branch. That is a reduction of 15.2 percent. No other branch of the Federal Government comes close to that amount of downsizing undergone by the legislative branch.

The conference report includes funds for the further development of the National Digital Library program with the Library of Congress. This project is laying the foundation for integration of the Internet and our educational system.

There is also a provision requiring penalty clauses to be placed in the Architect's construction projects. Without the ability to hold contractors to schedules and funding limitations, we are totally vulnerable to mismanagement and lax supervision. This provision is aimed at improving the Architect's control over his construction responsibilities.

The conference report does not include merger of the Capitol, Library, and GPO police, nor does the report include the human resources legislation for GAO.

The GAO matter may surface again at a later date. A few matters need to be worked out, and I am confident we can accomplish that in the future. We have asked the Comptroller General to concentrate on that.

The agreement includes an emergency FY2000 supplemental appropriation of $2.1 million for congressional and Library of Congress security and $9 million for urgent repairs at the Cannon garage.

In summary, Mr. Speaker, the bill provides $2.53 billion. It is 7.3 percent below the request of the President's budget. And FTE levels have been reduced by 47.

The bill maintains a smaller legislative branch as established by the policies set in the 104th Congress, and it provides stability to those operations that must support our legislative needs.

I include for the RECORD the following table that tabulates the funding agreement:

H.R. 4516 - LEGISLATVE BRANCH APPROPRIATIONS, 2001

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members	.....	.....	.....	.....	141	+141
Expense Allowances						
Expense allowances:						
Vice President	10	10	.....	10	10	.....
President Pro Tempore of the Senate	10	10	.....	10	10	.....
Majority Leader of the Senate	10	10	.....	10	10	.....
Minority Leader of the Senate	10	10	.....	10	10	.....
Majority Whip of the Senate	5	5	.....	5	5	.....
Minority Whip of the Senate	5	5	.....	5	5	.....
Chairman of the Majority Conference Committee	3	3	.....	3	3	.....
Chairman of the Minority Conference Committee	3	3	.....	3	3	.....
Chairman of the Majority Policy Committee	.....	.....	.....	3	3	+3
Chairman of the Minority Policy Committee	.....	.....	.....	3	3	+3
Subtotal, expense allowances	56	56	.....	62	62	+6
Representation allowances for the Majority and Minority Leaders	30	30	.....	30	30	.....
Total, Expense allowances and representation	86	86	.....	92	92	+6
Salaries, Officers and Employees						
Office of the Vice President	1,721	1,785	.....	1,785	1,785	+64
Office of the President Pro Tempore	437	453	.....	453	453	+16
Offices of the Majority and Minority Leaders	2,644	2,742	.....	2,742	2,742	+98
Offices of the Majority and Minority Whips	1,634	1,770	.....	1,722	1,722	+88
Committee on Appropriations	6,525	6,917	.....	6,917	6,917	+392
Conference committees	2,264	2,350	.....	2,304	2,304	+40
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	590	732	.....	590	590	.....
Policy Committees	2,302	2,508	.....	2,342	2,342	+40
Office of the Chaplain	277	288	.....	288	288	+11
Office of the Secretary	14,202	14,738	.....	14,738	14,738	+536
Office of the Sergeant at Arms and Doorkeeper	34,794	35,341	.....	34,811	34,811	+17
Offices of the Secretaries for the Majority and Minority	1,246	1,292	.....	1,292	1,292	+46
Agency contributions and related expenses	21,332	22,337	.....	22,337	22,337	+1,005
Total, salaries, officers and employees	89,968	93,253	.....	92,321	92,321	+2,353
Office of the Legislative Counsel of the Senate						
Salaries and expenses	3,901	4,046	.....	4,046	4,046	+145
Office of Senate Legal Counsel						
Salaries and expenses	1,035	1,069	.....	1,069	1,069	+34
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate						
Expenses allowances	12	12	.....	12	12	.....
Contingent Expenses of the Senate						
Inquiries and investigations	71,604	74,136	.....	73,000	73,000	+1,396
Expenses of United States Senate Caucus on International Narcotics Control	370	370	.....	370	370	.....
Secretary of the Senate	1,511	2,077	.....	2,077	2,077	+566
Sergeant at Arms and Doorkeeper of the Senate	66,261	101,228	.....	71,261	71,511	+5,250
Miscellaneous items	8,655	8,655	.....	8,655	8,655	.....
Senators' Official Personnel and Office Expense Account	245,703	273,591	.....	253,203	253,203	+7,500
Official Mail Costs						
Expenses	300	300	.....	300	300	.....
Total, contingent expenses of the Senate	394,404	460,357	.....	408,866	409,116	+14,712
Total, Senate	489,406	558,823	.....	506,406	506,797	+17,391
Across the board cut (0.38%)	-2,036	.....	.....	.....	.....	+2,036
Net total, Senate	487,370	558,823	.....	506,406	506,797	+19,427

H.R. 4516 - LEGISLATVE BRANCH APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
HOUSE OF REPRESENTATIVES						
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,723	1,798	1,759	1,759	1,759	+36
Office of the Majority Floor Leader	1,688	1,761	1,726	1,726	1,726	+38
Office of the Minority Floor Leader	2,050	2,140	2,096	2,096	2,096	+46
Office of the Majority Whip	1,404	1,500	1,466	1,466	1,466	+62
Office of the Minority Whip	1,042	1,121	1,096	1,096	1,096	+54
Speaker's Office for Legislative Floor Activities	406	417	410	410	410	+4
Republican Steering Committee	755	779	765	765	765	+10
Republican Conference	1,225	1,289	1,255	1,255	1,255	+30
Democratic Steering and Policy Committee	1,324	1,381	1,352	1,352	1,352	+28
Democratic Caucus	657	687	668	668	668	+11
Nine minority employees	1,218	1,251	1,229	1,229	1,229	+11
Training and Development Program:						
Majority	284	290	278	278	278	-6
Minority	284	290	278	278	278	-6
Subtotal, House Leadership Offices	14,060	14,704	14,378	14,378	14,378	+318
Members' Representational Allowances including Members' Clerk Hire, Official Expenses of Members, and Official Mail						
Expenses	406,279	422,894	410,182	410,182	410,182	+3,903
Committee Employees						
Standing Committees, Special and Select (except Appropriations)	93,878	99,242	92,196	92,196	92,196	-1,682
Committee on Appropriations (including studies and investigations)	21,095	22,530	20,628	20,628	20,628	-467
Subtotal, Committee employees	114,973	121,772	112,824	112,824	112,824	-2,149
Salaries, Officers and Employees						
Office of the Clerk	14,881	15,862	14,590	14,590	14,590	-291
Office of the Sergeant at Arms	3,746	3,858	3,692	3,692	3,692	-54
Office of the Chief Administrative Officer	57,289	64,180	58,550	58,550	58,550	+1,261
Office of Inspector General	3,926	4,040	3,249	3,249	3,249	-677
Office of General Counsel	840	877	806	806	806	-34
Office of the Chaplain	136	139	140	140	140	+4
Office of the Parliamentarian	1,172	1,256	1,201	1,201	1,201	+29
Office of the Parliamentarian	(1,011)	(1,086)	(1,035)	(1,035)	(1,035)	(+24)
Compilation of precedents of the House of Representatives	(161)	(170)	(166)	(166)	(166)	(+5)
Office of the Law Revision Counsel of the House	2,045	2,130	2,045	2,045	2,045	.....
Office of the Legislative Counsel of the House	5,085	5,140	5,085	5,085	5,085	.....
Corrections Calendar Office	825	851	832	832	832	+7
Other authorized employees	205	213	213	213	213	+8
Technical Assistants, Office of the Attending Physician	(205)	(213)	(213)	(213)	(213)	(+8)
Subtotal, Salaries, Officers and Employees	90,150	98,546	90,403	90,403	90,403	+253
Allowances and Expenses						
Supplies, materials, administrative costs and Federal tort claims	2,741	3,381	2,235	2,235	2,235	-506
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410	410	410	.....
Government contributions	128,704	138,355	138,726	138,726	138,726	+10,022
Miscellaneous items	676	676	393	393	393	-283
Special education needs	.....	.....	.....	.....	215	+215
Subtotal, Allowances and expenses	132,531	142,822	141,764	141,764	141,979	+9,448
Total, salaries and expenses	757,993	800,738	769,551	769,551	769,766	+11,773
Total, House of Representatives	757,993	800,738	769,551	769,551	769,766	+11,773
JOINT ITEMS						
Joint Comgresssional Committee on Inaugural Ceremonies of 2001	.....	1,000	.....	1,000	1,000	+1,000
Joint Economic Committee	3,200	3,315	3,072	3,315	3,315	+115
Joint Committee on Taxation	6,431	6,747	6,174	6,686	6,430	-1
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,891	1,835	1,835	1,835	1,835	-56
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	37,582	51,952	45,683	51,350	47,053	+9,471
Sergeant at Arms and Doorkeeper of the Senate	40,776	54,118	47,086	51,350	50,089	+9,313
Subtotal, salaries	78,358	106,070	92,769	102,700	97,142	+18,784

H.R. 4516 - LEGISLATVE BRANCH APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
General expenses	6,549	9,960	6,549	6,884	6,772	+223
Subtotal, Capitol Police	84,907	116,030	99,318	109,584	103,914	+19,007
Security enhancements	2,102	2,750	.....	.....	.....	-2,102
Capitol Guide Service and Special Services Office	2,293	2,371	2,201	2,371	2,371	+78
Statements of Appropriations	30	30	29	30	30	.....
Total, Joint items	100,854	134,078	112,629	124,821	118,895	+18,041
OFFICE OF COMPLIANCE						
Salaries and expenses	1,992	2,095	1,816	2,066	1,820	-172
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	26,121	28,493	27,403	27,113	28,493	+2,372
ARCHITECT OF THE CAPITOL						
Capitol Buildings and Grounds						
Capitol buildings, salaries and expenses	53,697	60,038	44,234	44,191	43,689	-10,008
Capitol grounds	5,406	6,120	5,217	5,512	5,362	-44
Senate office buildings	66,109	66,628	.....	63,974	63,974	-2,135
House office buildings	50,350	53,269	32,750	32,750	32,750	-17,600
Capitol Power Plant	41,897	45,272	43,551	43,969	43,815	+1,918
Offsetting collections	-3,985	-4,400	-4,400	-4,400	-4,400	-415
Net subtotal, Capitol Power Plant	37,912	40,872	39,151	39,569	39,415	+1,503
Total, Architect of the Capitol	213,474	226,927	121,352	185,996	185,190	-28,284
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	70,973	75,640	73,810	73,374	73,592	+2,619
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	73,297	80,800	69,626	73,297	71,462	-1,835
Total, title I, Congressional Operations	1,732,074	1,907,594	1,176,187	1,762,624	1,756,015	+23,941
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	3,438	4,916	3,216	3,653	3,328	-110
LIBRARY OF CONGRESS						
Salaries and expenses	265,803	292,174	269,864	267,330	282,838	+17,035
Authority to spend receipts	-6,850	-6,850	-6,850	-6,850	-6,850	.....
Net subtotal, Salaries and expenses	258,953	285,324	263,014	260,480	275,988	+17,035
Copyright Office, salaries and expenses	37,485	38,903	38,771	38,332	38,523	+1,038
Authority to spend receipts	-26,254	-26,783	-31,783	-26,783	-29,283	-3,029
Net subtotal, Copyright Office	11,231	12,120	6,988	11,549	9,240	-1,991
Books for the blind and physically handicapped, salaries and expenses	47,802	48,983	48,507	48,711	48,609	+807
Furniture and furnishings	5,394	6,020	5,394	4,892	4,892	-502
Total, Library of Congress (except CRS)	323,380	352,447	323,903	325,632	338,729	+15,349
ARCHITECT OF THE CAPITOL						
Library Buildings and Grounds						
Structural and mechanical care	19,857	20,278	15,837	16,347	15,970	-3,887
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	29,872	34,451	25,652	30,255	27,954	-1,918
Government Printing Office Revolving Fund						
GPO revolving fund	.....	6,000	.....	.....	.....	.....
Total, Government Printing Office	29,872	40,451	25,652	30,255	27,954	-1,918

H.R. 4516 - LEGISLATVE BRANCH APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	378,961	402,918	371,896	387,867	387,867	+8,906
Offsetting collections	-1,400	-3,000	-3,000	-3,000	-3,000	-1,600
Total, General Accounting Office	377,561	399,918	368,896	384,867	384,867	+7,306
Total, title II, Other agencies	754,108	818,010	737,504	760,754	770,848	+16,740
Grand total	2,486,182	2,725,604	1,913,691	2,523,378	2,526,863	+40,681
TITLE I - CONGRESSIONAL OPERATIONS						
Senate	487,370	558,823	.....	506,406	506,797	+19,427
House of Representatives	757,993	800,738	769,551	769,551	769,766	+11,773
Joint Items	100,854	134,078	112,629	124,821	118,895	+18,041
Office of Compliance	1,992	2,095	1,816	2,066	1,820	-172
Congressional Budget Office	26,121	28,493	27,403	27,113	28,493	+2,372
Architect of the Capitol	213,474	226,927	121,352	185,996	185,190	-28,284
Library of Congress: Congressional Research Service	70,973	75,640	73,810	73,374	73,592	+2,619
Congressional printing and binding, Government Printing Office	73,297	80,800	69,626	73,297	71,462	-1,835
Total, title I, Congressional operations	1,732,074	1,907,594	1,176,187	1,762,624	1,756,015	+23,941
TITLE II - OTHER AGENCIES						
Botanic Garden	3,438	4,916	3,216	3,653	3,328	-110
Library of Congress (except CRS)	323,380	352,447	323,903	325,632	338,729	+15,349
Architect of the Capitol (Library buildings & grounds)	19,857	20,278	15,837	16,347	15,970	-3,887
Government Printing Office (except congressional printing and binding)	29,872	40,451	25,652	30,255	27,954	-1,918
General Accounting Office	377,561	399,918	368,896	384,867	384,867	+7,306
Total, title II, Other agencies	754,108	818,010	737,504	760,754	770,848	+16,740
Grand total	2,486,182	2,725,604	1,913,691	2,523,378	2,526,863	+40,681

NOTE: FY 2000 enacted includes 0.38% rescissions and legislative supplemental actions pending in H.R. 4516. Excluded from totals is a $40,000,000 contingent emergency FY 2000 supplemental for FHA.

Mr. Speaker, I urge the adoption of the conference report.

Mr. HOYER. Mr. Speaker, on behalf of the gentleman from Wisconsin (Mr. OBEY), I yield 5 minutes to the distinguished gentleman from Arizona (Mr. PASTOR), the ranking member of the Subcommittee on Legislative Appropriations.

Mr. PASTOR. Mr. Speaker, I thank my colleague for being so kind in yielding to me.

Mr. Speaker, first of all, let me thank the gentleman from North Carolina (Mr. TAYLOR), the chairman, for the manner in which he conducted business with the ranking member on the minority side of the subcommittee. He was very inclusive, and we were able to work out the differences as we proceeded with this bill and at conference had a very good bill.

I also want to thank Ed Lombard, who was assisted by Kit Winter and Tom Martin, for the professionalism that was displayed in developing this bill.

On the minority side, I would like to thank Mark Murray, who worked with my assistant, Eve Young. They provided countless hours of guidance and assistance to the minority.

Mr. Speaker, when this bill started, it had a very bad allocation. There was a concern about the security, the safety of the House, of the Capitol. As we proceeded with this bill, it got better.

At conference, we had restored many of the cuts that were initially in the bill. We were able to maintain security by providing enough money to have the required two policemen at every door.

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We were able to fund CRS to the level in which it would not have layoffs. We were able to give to the Members' accounts enough money so they could provide cost of living raises for their staff. We worked it out with the Senate, and the conference report was a very good one.

As we were leaving the conference report, we asked the chairman what was going to happen to the bill and he, in his wisdom, said we do not know how many flies are going to be on this dog. That is how we left the conference.

Well, Mr. Speaker, the conference is that today we are here and could have passed a legislative branch bill that would have served this House very well, but the leadership has decided to add the Treasury Postal bill and also the telephone excise tax bill. It will be with great reluctance that the minority side will probably not support this conference bill because of the manner in which the Treasury Postal bill was developed. So I will ask my colleagues on our side of the aisle that even though we have a very good legislative branch bill, the concerns of the Treasury Postal bill that has been tacked on to this bill gives enough concern in which we may not want to support it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. KOLBE), the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government and the bill that funds the White House, the President's activities.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time.

Mr. Speaker, I am very pleased this afternoon to rise to talk about that part of this conference report that covers the 2001 Treasury Postal Service and General Government appropriations bill. This is a bill that is strong on law enforcement. It is tough on guns and it supports a policy of zero tolerance on drugs.

Now, the President has said that he will sign all reasonable appropriation bills this Republican Congress sends to him.

Mr. Speaker, this is exactly what he asked for. It is reasonable in every sense of the word, as I will attempt to describe here. Our part of this conference report is fiscally responsible and it is completely free of any and all controversial legislative riders.

Let me just take a moment to describe a little bit of the nuts and bolts of the measure. First of all, overall it has $15.6 billion in support of the agencies that are covered by our appropriations subcommittee. It is $1.9 billion, or 13.8 percent above the 2000 enacted level. It is 5.4 percent or $900 million below the President's request but it is also $1.228 billion above what we first initially passed in the House.

Some of the increases over the 2000 enacted levels include these: $449 million for U.S. Customs Service, including not less than $258 million for the badly needed Customs automation program, particularly the new one called ACE or Automated Customs Environment; $204.9 million for the Bureau of Alcohol Tobacco and Firearms; $423 million for IRS to support ongoing efforts for organizational modernization; $15.2 million for the HIDTA, the High Intensity Drug Trafficking Area program, a total of $206.5 million for that; a $10 million increase for the Drug Free Communities Act; $142 million for the Secret Service to support their ongoing protective operations as well as the work that they do with school violence; a total of $276 million as an advance appropriation for fiscal year 2002 for four new courthouses for a total of $472 million in fiscal year 2001 for four new courthouse projects, two new border stations, the continuation of FDA consolidation and the construction of ATF headquarters.

Lastly, let me just mention that there is $88 million to begin the work and restoration of the National Archives headquarters and protection of our charters of freedom.

In terms of legislative items as compared to the House-passed bill, this agreement does not include any provisions related to the Cuban sanctions. It does not include provisions related to the prohibition on the use of funds to implement regulations clarifying what constitutes a satisfactory record of integrity and business ethics for Federal contractors, also known as the black listing provision. It does not include the provision prohibiting the use of funds to provide preferential treatment for the acquisition of firearms or ammunition. It does not include any provisions relating to reforms of the Federal Elections Commission, including the provision on the use of government aircraft by House and Senate candidates.

Conversely, this agreement does include current law from both the prohibition and use of funds for abortion as well as a requirement that health benefit plans provide contraceptive coverage. It does include a 1-year extension of the pilot project for child care and it does include current law as enacted in 1999 for the Kyoto protocol.

Mr. Speaker, I know that some of my colleagues on the other side of the aisle are going to cry foul about this bill. They are going to claim the conference agreement was put together in the dead of night without their participation.

Well, we did work long hours and indeed some of those hours were in the middle of the night in order to put together this responsible bill, but the truth is, and my colleagues know this, that they were invited to participate at every step of the way. For every meeting that was scheduled with the Senate, they and their staffs were invited to attend.

The fact is, they declined to participate. They declined our invitation to participate.

Now, I also suspect my colleagues will claim, as they already have, this bill is headed for a veto because it fails to fund must-have items requested in the President's budget. The fact is, we do not know if the President will veto this measure. Through the grapevine we have heard several variations of the position of the White House.

First, they thought this was a reasonable bill, albeit somewhat short when it came to funding new employees in the IRS. We were led to believe the administration wanted to add back or add an additional $100 million. Then we heard the White House wanted $300 million, some for IRS, some for Archives, some for Treasury law enforcement. Finally, we heard the White House does not really have a specific list of must-have programs they believe are underfunded but rather there is a general list of must-have items that now totals between $729 million and $783 million, more than half of which would go to courthouse construction.

Regardless of courthouses, this conference agreement funds 8 projects, one more than the President requested. Now, some will say that we are playing games with the numbers because we forward funded four projects. The fact is of those four projects, one of them, the largest one, in Miami at $122 million, has a lot of controversy about it

and it has a difficult time in the authorization process. It made sense to actually forward fund this one.

Let us be honest about who is playing games and using gimmicks. It is not the Committee on Appropriations. There is one fact and one fact only that has kept us from passing this bill sooner. The White House will not give us a position on the bill. They will not specify what items which might cause them to veto this measure. They will not sit down and negotiate with us. In all my years on appropriations, I have not seen a time when the White House outright refused to give a position on the bill, but this is apparently the year where they simply refuse to come to the table and negotiate in good faith on this appropriation bill. I urge my colleagues to support this conference report so we can get on with the business of Congress.

Mr. OBEY. Mr. Speaker, I yield 12 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, the gentleman from Arizona (Mr. KOLBE) and I are not managing this conference report, as was noted. In fact, it is being managed by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG). That is a testimony to the process, the convoluted process, that has brought us to this floor today.

The gentleman from Arizona (Mr. PASTOR) rose and said that this was never considered in the legislative bill to be added. As far as I know, it was never considered in the legislative conference, not the conference that I participated in. At no time did the legislative conference meet and add this as a part of its bill.

I am on the legislative committee, at least as far as I was invited to. I do not know whether the gentleman from Wisconsin (Mr. OBEY) was invited to a conference of the legislative committee or the gentleman from Arizona (Mr. PASTOR), but I think the answer to that is no.

Notwithstanding that, I and the gentleman from Arizona (Mr. KOLBE) have tried to work together to try to bring this bill to a point where we could all support it. Very frankly, I think that that is possible. I think it is still possible.

I talked to the Speaker about it just an hour and a half ago. I am sorry that we are here today in a mode of not being in agreement on this bill.

So, first of all, the process has been very convoluted. The Senate, of course, has not considered this bill on the floor and there was no real conference on a Senate bill and a House bill and the differences.

This process, from the very beginning, has been a difficult one, if not incorrect one. In the committee's report when we came to the floor on this bill, the committee said we needed $1.3 billion more, I think they were correct, at least $1.3 billion more, to meet the responsibilities of our committee and of the agencies that we fund.

That was the majority's observation, not mine. But they brought a bill to the floor which was $464 million low on IRS. I am going to talk about that in a second. It ended up being more than that because we cut $25 million on the floor to add to HIDTAs. So it was $491 million low on IRS when it left this House.

Now, we did not have convened a conference in the sense that we had two bills. There were meetings. That is correct. There were invitations to come to meetings, some of which were attended. The final conference or whatever conference occurred, I was not at. The perception of the gentleman from Arizona (Mr. KOLBE) is that is by choice. I think that is from his standpoint. I understand that perception. But it was also a choice that was made in the context that we really did not know what was going on, and there were no discussions with us as to exactly what was to be added. The gentleman from Arizona (Mr. KOLBE) represents there were discussions with the White House. The White House is not for these numbers in this bill, still thinks they are substantially low, as I think the gentleman from Arizona (Mr. KOLBE) knows.

Now, the legislation bill comes back to us $1.2 billion over what the House passed, mostly Republicans but some Democrats as well.

That $1.2 billion was added essentially without participation of a full conference. That should not happen. There were an additional $18.8 million that included projects and priorities of various Members, none of whom were Democrats on this side of the aisle. That should not happen.

Let us deal now with the IRS within the time frame that we have, because that is really the most important issue that we deal with in this bill. It is, after all, the agency that collects all the revenue that allows all of us who support a ready and appropriate national defense to fund it. Education, health services, law enforcement, all the other items for which government is responsible, IRS has to collect the money.

Now, we adopted a vision of a new IRS and the gentleman from Ohio (Mr. PORTMAN) and others, the gentleman from Maryland (Mr. CARDIN), a lot of others, brought this to the floor. We had a bill. We passed that bill.

The budget recommendations of the Portman report were, and I quote, the commission recommends that Congress provide the IRS certainty in its operational budget. We recommend the IRS budget for tax law enforcement and processing assistance and management be maintained at current levels.

Why? Because they said in order to carry out our responsibilities in passing this reform and restructuring bill, we need to have consistent and appropriate budget levels.

Now, around that time we hired a gentleman named Rossotti, Charles Rossotti. I think the chairman respects Mr. Rossotti. I know I do. Furthermore, the gentleman from Texas (Mr. ARCHER) does, and Mr. ROTH does. They believe he is doing the kind of job that they expected to be done if we were going to meet our responsibilities under the Reform and Restructuring Act and have an IRS that was taxpayer friendly; that is to say that answered questions in a timely fashion, responded to taxpayers and were able to go personally over tax returns with taxpayers who had a particular problem.

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After the conference was brought back to the floor and I expressed my concern that I had not seen the conference, had not talked about the conference, I asked Mr. Rossotti, I said does this allow you to do what we expect you to do? Here was his comment in a letter to me of September 8, 2000: ''Please recognize that this level of funding, that is the funding level, that is provided for in this conference report, would lead to a further decline in the already low levels of compliance activity.''

I have an article which indicates that some people are saying that there is $300 billion in uncollected but due revenues. Why is that? Because compliance levels are so low and audit levels are shamefully low. I think the chairman knows that.

Mr. Rossotti, who is a Republican, hired as a manager, a business manager to carry out reform and restructuring and taxes modernization, says without funding for the Staffing Tax Administration for Balance and Equity Initiative, otherwise known as STABLE, the IRS effort to provide increased service to taxpayers and reduce the decline in audit coverage are at risk.

Substantively, the administration has a problem with this bill unrelated to politics. I share that view. So that in sum on the IRS title of this bill, we are dangerously low in providing services to the American taxpayer, and I had a discussion with the gentleman from Texas (Mr. ARCHER) on this. I think he shares my view that it is insufficient to carry out their duties.

Mr. Speaker, courthouses, the chairman mentioned the courthouses. The administration asks for seven courthouses to be funded. The conference report, frankly without discussion as to what courthouses we were talking about, came back and funded four courthouses. Now, that courthouse list is an interesting list: California, Washington, Virginia and ends with Mississippi; the next, D.C., Buffalo, Springfield, Miami. There is a list of 19 courthouses that are in the mix and deemed not by any politicians for pork purposes, but by the GSA and by the court administration as being priority needs.

We are not going to do all of those, but the conference, the so-called conference, again, without any discussion with me or other members on our side of the aisle, decided that we were going

to fund four and forward fund for others. Now, forward funding adopts the premise that these are necessary, but we are going to fund them next year. So, in effect, we are using next year's money this year. That is what forward funding means.

That is somewhat of a gimmick, a budget gimmick; and I know many of the conservative action team has decried budget gimmicks. But now guess what, and I hope that my conservative action team friends are listening, in addition to that, we have now moved the dates for paying veterans compensation, SSI, and other pensions from one year to another.

The problem with doing that is we changed it in the supplemental the other way just a few months ago. Now, I do not know how many people know that that is in this bill. It surely was not in the bill when it left here. It was never discussed in any conference in which I participated, and it was never informed to me that this was happening.

Mr. Speaker, I do not think there is probably a Member on the floor that knows that that has happened; maybe the chairman does, it has not been discussed.

In addition, we shift $2 billion in this bill out of defense into nondefense domestic discretionary spending so that we can solve a firewall problem in the United States Senate. I cannot believe that the Contract With America that wanted to have a pristine process open and cleared to all without gimmicks that, of course, Democrats were alleged to perpetrate on the Congress, would support these provisions in this bill.

Mr. Speaker, obviously, one could go on for a long time and talk about the necessity of these bills; but one of the items that is not in this bill that the administration feels very strongly about and may well veto this bill on alone is the absence of the response to the counterterrorism initiative included in the administration's request.

There was some response in the conference report, but we left out the largest part of the administration's counterterrorism request. We think that is a problem.

The last thing I would indicate again in a process that is supposed to be an appropriations process, we have added a tax provision to this bill that was never discussed in the legislative conference. It was never discussed in any Treasury Postal conference, and anybody who gets on this floor and says that was a conferenced item that was agreed to by any conferees on the Democratic side in an open way is simply incorrect. It was never, ever discussed.

I would hope that my chairman would not make such a representation, because he knows that would be not true. I do not know how that provision became an emaculate conception on this bill, but it is now on this bill.

So for all of those reasons, I would hope that we would either recommit this bill to conference and sit down and discuss it and come up with a bill on which we could all agree or, in the alternative, defeat this conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Treasury, Postal Service and General Government.

Mr. KOLBE. Mr. Speaker, I want to respond to a few of the things said by my colleague, the gentleman from Maryland (Mr. HOYER), my friend, who I have a great deal of respect for. We just happen to disagree about this bill and the way it has come to the body. I wished we could be in more complete agreement about it.

First, with regard to the funding for IRS. Let us be clear. We have an agency that has 95,000, that is 95,000, employees. It is not a small agency. It is also one in which I think most of us have recognized over the years, that is why we passed the modernization legislation, it has been one that has been too bureaucratic, too hard to move around, to difficult in order to get a handle on it. So I do not think that the issue really is adding more employees. It is making better use of the dollars, better use of technology, better use of management techniques more than anything else.

Mr. Speaker, I would also note with regard to the employees that were suggested to be added, that the President originally asked for this in the emergency supplemental. Now, they were not in there. He signed that bill. They were not in there, so all of this plan that is being asked for, the so-called program of STABLE, was going to be for annualizing these employees.

Since they were not there to begin with, we cannot be talking about analyzing them; but we cannot get a handle on what it is we really need. They will not tell us how much it is we really have to have. So we know that the amount that is requested for this program is wrong. It is not the correct amount, because it was to annualize a program that has not even begun.

We cannot start off with everybody on board in the first day.

Let me just talk about IRS accounts overall, and I think one of the things that I have learned as Chair of this committee, it is the biggest agency that we have. It is one of the hardest agencies to get your hands around and your arms around in terms of understanding it.

Mr. Speaker, now I think we have done a pretty good job in the information technology. We have had some bad times in the past, but we have been able to get a pretty good handle on the information technology account. But I do not think we are there yet with the personnel account, those that fund things such as processing and management and the enforcement.

We do not have a real good handle. We need to do better in that regard, and that is why I think we need to work with Mr. Rossotti and managers at the IRS to get a better handle on exactly how this money they are asking for, this STABLE, for this new large number of 2,500 new employees would actually be used, and what they would actually do. We have not been able to really get a clear understanding of what this would be all about.

On construction, the gentleman from Maryland talked about forward funding and what a gimmick this is. Mr. Speaker, the President had in his request $477 million of forward funding requested for the FDA consolidation mostly, but for some other GSA projects. So please, do not tell us that forward funding is a gimmick. It is a commitment by this body that we are going to do the next set of four courthouses.

And as I suggested, the one that is the largest by far in there is one that has not been authorized, has not been approved by the authorizing committee, and so it is not really in a position to go forward during the coming year anyhow.

Lastly, with regard to counterterrorism, in the emergency supplemental bill, we had $55 million for counterterrorism. There is a request now for some additional amounts of money, but I do not think that this Congress has failed to step up to the plate, has failed to understand the need to have a strong effort in counterterrorism. Once again, we need to have a better idea of how this money is being used. We need to see where it is going before we just simply give a blank check to this administration or any other administration. That is our job as appropriators to do that.

I believe that this bill is a very responsible one. I believe it is one that Members of this body can and should support. And I urge my colleagues to support it.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman has 12½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Chairman, let me simply say again the record is clear the administration wants additional money for the IRS. This bill provides and wants additional money to deal with the Puerto Rican elections, and it wants additional money to deal with antiterrorism.

This bill makes a substantial reduction in our antiterrorism appropriations. We had a lot of talk last year around New Year's about whether or not we expected terrorists activities. Those, in fact, did not occur. It is no accident that they did not occur.

We cannot talk in public about some of the things that the administration is trying to deal with in this category, but it would seem to me that before anyone considers reducing this account, they ought to have the briefing that the administration is asking to

provide, because I think it will bring into substantial question the decision made in this bill to cut that account.

Mr. Speaker, I would also simply say, the gentleman from Maryland (Mr. HOYER) has already referred to this, I want to insert in the RECORD at this time an article entitled ''Taxfree Millionaires by Donald Bartlett and James B. Steel.''

[From the Washington Monthly, Sept. 2000]

TAX FREE MILLIONAIRES—HOW THE SUPER RICH GET AWAY WITHOUT PAYING ANY TAXES

(By Donald L. Barlett and James B. Steele)

Tax fraud is exploding in the United States. In ways large and small, Americans are cheating like never before. One of every three people, perhaps as many as one of every two, is doing it. It's one of Washington's dirty little secrets, a ticking time bomb with the potential to destroy the country's tax system and to undermine essential government programs like Social Security. Disguised by a robust economy and record tax collections, fraud is growing at an exponential pace among all groups, with more and more income concealed from the IRS each year.

How bad is it? No one can put a precise number on lost tax revenue. But it's bad, and getting worse. Even the IRS, which doesn't like to acknowledge this problem for fear it will only encourage more taxpayers to cheat, admitted in 1999 that the ''tax gap,'' its euphemism for fraud and error, is now up to $195 billion a year. But that is based on data from the 1980s. A more reasonable count of the revenue lost every year is $300 billion.

If Tax Dodging Inc. were a business, it would be the nation's largest corporation, eclipsing General Motors, which sits atop the Fortune 500 with revenue of $189 billion.

How do people escape paying the taxes they owe? They inflate their itemized deductions for everything from medical bills to charitable contributions. They manufacture deductions to cover expenses never incurred. They understate their income. Or they do both. They ship their money to foreign tax havens. They claim illegal refunds. They speculate in the stock market and don't report their gains. They charge off their personal living costs as business expenses. And many don't even bother to file tax returns at all.

How many nonfilers are there today? The IRS doesn't have a clue. In part, that's because Congress has slashed the agency's budget, halting the kind of audit that would make even crude projections possible. Informally, government tax authorities say there are 10 million nonfilers. In truth, there are many more, and here's why:

The IRS identifies a nonfiler as a person who fails to submit a tax return even though a third party has filed an earnings statement (W–2) or information return reporting interest or dividends (Form 1099) that shows the person received income during the year. This narrow definition ignores all those who leave no paper trail. These are the people for whom there are no W–2s, or 1099s, no record of wages, annuities, gambling winnings, pensions, interest, dividends, or money flowing in from foreign trusts and bank accounts.

In addition to these people who deal only in cash, there is another larger group whose numbers have soared. They are wealthy Americans and foreign citizens who live and work in the United States and in other countries—multinational wheeler-dealers, independent businesspeople, entertainers, fashion moguls and models. They have multiple passports or global residences and therefore insist they are exempt from the U.S. income tax.

People like the Wildensteins of New York City. That would be Alec and his former wife Jocelyne, who became a staple of the New York tabloids during an unseemly divorce that raged from the fall of 1997 until the spring of 1999.

Alec, born in 1940, is an heir to his family's century-old, intensely-private, multibillion-dollar international art business. Jocelyne, four years his junior, is best known for having undergone countless plastic surgery procedures that make her look more feline, permanently, than any member of the cast of Cats. Her bizarre appearance inspired the tabloids to dub her ''The Bride of Wildenstein.''

For the Wildensteins, the once impenetrable curtain that had protected the family from prying eyes for generations was unexpectedly pierced on the night of September 3, 1997, when Jocelyne returned to the couple's opulent Manhattan home after a visit to the family's 66,000-acre ranch in Kenya. Walking into the six-story townhouse on East 64th Street, next door to the Wildenstein gallery, a few minutes after midnight, she found her husband in bed with a nineteen-year-old, long-legged blonde.

Alec hastily wrapped himself in a towel, grabbed a 9mm handgun and pointed it at his wife and her two bodyguards. ''I wasn't expecting anyone,'' he screamed with a touch of understatement. ''You're trespassing. You don't belong here.'' The bodyguards summoned the police, who arrested Alec and charged him with three counts of second-degree menacing.

So it was that the French-born, aristocratic Alex Nathan Wildenstein, having traded his towel for an Armani suit and a monogrammed shirt, spent the night in the Tombs prison with some of New York's low life. If nothing else, the incarceration gave him time to plot his revenge. When he got out the next day, he moved quickly. He canceled his wife's credit cards. He cut off her telephone lines, locked all the rooms in the townhouse except for her bedroom and sitting room, shut off her access to bank accounts, directed the chauffeur to stop driving her around, fired her accountant, and, in one final act of retribution, ordered the household chefs to stop cooking for her, which proved a major inconvenience because she had never learned how to operate the stove.

Jocelyne responded by turning up the temperature a few hundred degrees on what had been one of the quietest divorce proceedings ever among the rich and discreet. As a result, life among the Wildensteins—a family that for more than a century had guarded its privacy with a pathological obsession—went on public display.

Jocelyne demanded a $200,000 monthly living allowance, payment of her personal staff's salary and expenses, and a $50 million security deposit pending distribution of the marital property. Alec pleaded poverty. He insisted he had no money of his own and that the millions they spent came form his father.

The Wildenstein Family Circus that followed established conclusively, one or more time, that the rich are very different from the rest of us, beyond the fact that they often pay comparatively little or no taxes. But first, some background on this intriguing family.

Alec is the son of Daniel Wildenstein, the patriarch of the enormously rich French clan. Daniel, born in 1918, controls the Wildenstein billions through a web of secret trusts and intertwined corporations. The Manhattan townhouses, for example, are owned in the name of the Nineteen East Sixty-Fourth Street Corporation, which in turn is controlled by ''intermediate entities held in trust.'' He continues to operate the private, secretive art business started by his grandfather in the nineteenth century, with galleries in New York, Beverly Hills, Tokyo, and Buenos Aires, catering to private collectors, museums, and galleries. And while he spends a lot of his time in Paris, a good chunk of his money resides in secret Swiss bank accounts.

Tucked away in family storerooms, notably in New York, is reportedly the world's largest private collection of the works of the masters—valued at $6 billion to $10 billion. The inventory includes thousands of paintings and drawings by Renoir, Van Gogh, Cezanne, Gauguin, Rembrandt, Rubens, El Greco, Caravaggio, da Vinci, Picasso, Manet, Bonnard, Fragonard, Monet, and others. Many have never been displayed publicly.

In 1990, Daniel's sons Alec and Guy took over management of the New York gallery. Their families maintained separate living quarters in the East 64th Street townhouse. They shared the swimming pool in the basement, the informal and formal dining rooms, the foyer, elevator, and the entrance to the townhouse. Alec and Jocelyne lived on the third floor, their two children had bedrooms on the fifth floor, and Jocelyne used the sixth floor as an office. In addition to the Manhattan townhouse, they maintained a castle, the chateau Marienthal, outside Paris, an apartment in Switzerland, and the Kenya ranch.

Wherever they happened to be, the Wildensteins pursued a lifestyle that was lavish even by the standards of the rich and famous. The details, as they poured from Jocelyne's lips in the divorce proceeding, told the story of a family of seemingly unlimited wealth and no hesitation about spending it. According to her, she and Alec ''routinely wrote checks and made withdrawals'' from their Chase Manhattan Bank checking account ''for $200,000 to $250,000 a month.'' Jocelyne said that over the last 20 years they did ''millions of dollars worth of renovations on the Paris castle and Kenya ranch,'' and she directed the management, hiring, and staffs of those properties. The routine operating costs of the ranch alone ran $150,000 a month.

In New York, Jocelyne's staff payroll at the 64th street townhouse included $48,000 a year for a chambermaid; $48,000 for a maid who tended the dogs; $60,000 each for a butler and chauffeur; $84,000 for a chef; $102,000 for an assistant with an MBA; and $102,000 for a secretary.

In Kenya, their vast Ol Jogi ranch, with its two hundred buildings spread over an area five times the size of Manhattan, required nearly four hundred employees to look after the grounds and the animals.

In France, the resident staff at the chateau, ''the largest private home of its type within a fifteen-minute drive of Paris,'' included five gardeners, three concierges, and three maids.

Talk did not come cheap for the Wildensteins. The annual telephone bill in Manhattan alone sometimes ran as high as $60,000. And then there were all the other necessities, like $547,000 for food and wine; $36,000 for laundry and dry cleaning; $60,000 for flowers; $42,000 for massages; pedicures, manicures, and electrolysis; $82,000 to insure here jewelry and furs, and $60,000 to cover the veterinarian bills, medication, pet food, beds, leashes, and coats for their dogs, As for miscellaneous professional services, $24,000 went for a dermatologist, $12,000 for the dentist, and $36,000 for pharmaceuticals. Her American Express and Visa card bills for one year totaled $494,000.

Some of these bills were paid out of the couple's Chase Manhattan account. Some were paid out of ''other bank accounts in

New York, Paris, and Switzerland.'' And some bills, Alec confirmed, were paid from ''the Wildenstein & Co.'' account, ''the Wildenstein & Co. Special Account, and family businesses.'' Sort of like having your employer pick up the cost of your clothing, pets, and vacations.

And then there were Jocelyne's personal expenditures. Over the years, she accumulated jewelry valued at $10 million, including a thirty-carat diamond ring and custom pieces from Cartier. She attended fashion shows in Paris. Her annual spending on clothing and accessories ran to more than $800,000. She once spent $350,000 for a Chanel outfit that she helped to design. Al told, according to papers filed in the divorce case, the couple's personal and household expenditures added up to well over $25 million in 1995 and 1996 alone.

With all those tens of millions of dollars flowing out over the years to maintain a lifestyle beyond comprehension to most people—$60,000 in dog bills exceeds the annual income of three-fourths of all working Americans who pay taxes—you might think that Alec and Jocelyne also forked over millions of dollars to the Internal Revenue Service. But you would be wrong.

They didn't pay a penny in U.S. income tax.

In fact, they never filed a federal tax return.

These admissions by a family accountant are spelled out in records of the acrimonious divorce and also entered into court opinions. They lived the tax-free life even though, by Jocelyne's account, they resided in the Manhattan townhouse for nineteen years, from shortly after their Las Vegas marriage in 1978 until the rancorous divorce proceedings began in 1997. Their children were born in New York and went to school in New York. Alec conducted the family art business through Wildenstein & Co., Inc., a New York corporation, from the gallery next door. He had a U.S. pilot's license. He sued and was sued in the courts of New York and other states. He signed documents moving millions of dollars between Wildenstein companies, some located in the tax havens of the world. He transacted business in New York and other states. He was vice-president of Nineteen East Sixty-Fourth Street Corporation, which owns the townhouse, gallery, and other properties. His New York pistol license identified him as an officer of Wildenstein & Co. And following his arrest for pointing the weapon at Jocelyne and her bodyguards, he insisted that he should be released on his own recognizance because of his substantial ties to the community.

Nonetheless, he filed no federal tax returns. And no one in Washington or New York noticed. Or cared. Under ordinary circumstances, even the complex tax returns of the very wealthy that are filed go unchecked. That's due to a deliberate decision by Congress to starve the IRS, both in operating funds and in manpower and expertise to conduct such audits. So forget about ferreting out serious nonfilers among the rich and prominent. That task doesn't even register on the tax fraud radar screen. Not surprisingly, representatives of Alec Wildenstein declined to discuss his tax affairs. Jocelyne's lawyer said she doesn't know anything about taxes, since Alec controlled the money. And the IRS can't comment on the tax matters of private citizens. Or in this case, the non-tax matters.

In the divorce case, Alec argued that he was not a resident of the United States, that he had a Swiss passport and visited this country on a tourist visa, and that he did not have a green card permitting him to work. Furthermore, he contended that he had ''less than $75,000 in bank accounts'' and that ''my only earnings are approximately $175,000 per year.'' On a net-worth statement, Alec listed his occupation as ''unpaid personal assistant to father Daniel Wildenstein.'' That stirred the ire of State Supreme Court Judge Marilyn G. Diamond, who presided over the hostilities. ''He fails to explain why he is unpaid,'' said Diamond, adding that ''this contention insults the intelligence of the court and is an affront to common sense.''

Judge Diamond was also angered that Alec never bothered to attend the divorce hearings. Shortly after Jocelyne began unveiling intimate details of the couple's private life, he fled the country. He ignored repeated court dates, failing to appear to answer either the gun charges or his wife's allegations. At one hearing, an irritated Diamond excoriated Wildenstein in absentia for his refusal to obey court orders and to attend depositions. His attorney, Raoul L. Felder, the New York celebrity divorce lawyer, offered an explanation for his client's behavior:

''It may not be his disinclination to appear before the court. You are aware there are substantial tax problems we believe created by the plaintiff.''

Judge Diamond agreed. ''There are going to be more substantial tax problems,'' she said. ''There are more substantial potential tax problems by people continuing to take certain positions. Make no mistake about it.''

If this conjures up visions of battalions of vigilant IRS agents engaged in a relentless search to identify tax scofflaws and, when they do so, dun them for the taxes they owe, assess interest and penalties, seize their bank accounts and cars, freeze their assets, and auction off their possessions, well, that's what they are, visions—at least when it comes to the very rich. For the double standard is to tax-law enforcement what rock is to roll.

Suppose you earn $40,000 a year and don't file a return. When the IRS catches up with you it prepares a substitute return, estimates your income, calculates the tax you owe, tacks on interest and penalties, and sends you the bill. If you don't like their numbers, you must prove that the IRS is incorrect. What's more, the agency may seize your bank accounts, your car, and whatever else you have of value.

Not so with the truly prosperous. First, the agency mails out a computer-generated letter asking the nonfiler to submit a return. When the reluctant recipient fails to respond, a second letter goes out. And then another. And another. If the silence persists, IRS resorts to another tactic: The telephone. It tries to find the number of the missing nonfiler and place a series of calls. When all that proves futile—it generally does nothing.

Nothing?

That was a finding of a 1991 study by the General Accounting Office (GAO), the investigative arm of Congress, that examined IRS' handling of affluent nonfilers:

''The IRS does not fully investigate high-income nonfilers, which creates an ironic imbalance. Unlike lower income nonfilers in the Substitute for Returns program, high-income nonfilers who do not respond to IRS' notices are not investigated or assessed taxes. Even if high-income nonfilers eventually file tax returns, their returns receive less scrutiny than those who file returns on time.''

What's the IRS's explanation for the double standard? Incredibly, it told GAO that it does not prepare a substitute return for rich nonfilers, as it does for middle-income people, because it fears that it might ''understate taxes owed.'' In other words, no loaf is better than half-a-loaf. So do nothing. Second, GAO said, ''to pursue more high-income cases, IRS would need additional staff.'' Which, of course, is precisely what Congress refuses to provide.

But things have changed since the critical 1991 audit that tried to prod the IRS to act, right? Indeed they have. With each passing year, the number of affluent nonfilers has gone up while Congress has slashed the service's auditing capabilities. There is no better evidence of the agency's breakdown than the fact the Wildensteins went two decades without filing a tax return, and the IRS knew nothing about it.

Mr. OBEY. Mr. Speaker, the article points out that tax fraud is a ticking time bomb in this country, probably approaching up to $300 billion in lost revenue. It tells the story of one family worth billions of dollars, one family that holds, in art collections alone, over $6 billion in assets. They have a town house, a swimming pool. They have property in Kenya and France. They spend tens of millions of dollars each year.

They spend $65,000 just in dog bills. They have not even filed a tax return for the last 20 years, and the IRS did not even know about it. That is the kind of tax avoidance which the IRS ought to be able to track, and so as long as they do not have adequate resources, will not be able to track.

If you are some taxpayer paying $30,000 a year and they caught you, you would get womped with a bill in a hurry. But here is an example of a family that has lived like kings, international multinational kings, for years, in full view; and they have paid not one dime in taxes and never even bothered to file.

□ 1515

This is no laughing matter, when the administration is asking for more money to fund the IRS. So I would suggest that for those two reasons alone, this bill still falls far short of where it ought to be.

I also do not see why we should continue to play a flip-flop game with SSI. Last year we decided, the Congress decided, it was going to move the date for the payment of SSI checks into one fiscal year. The Congress moved it back to a different fiscal year in the supplemental this year. Now it is trying to flip it back again, moving it to a different fiscal year again, not for substance purposes, but for political purposes. All that does is create confusion and bring into question whether or not those SSI checks are going to be able to be cut. We ought not do that. That is another reason why this bill ought not to be considered in this fashion.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I just want to respond to a couple things that the distinguished ranking member of the Committee on Appropriations said. He used the word ''cutting,'' that this bill is cutting. But I think we should be clear that we may not be adding as much as he would like in terms of new spending, but at 13.8 percent over last

year's spending, it is hardly a cut. There are not cuts in this in virtually every account, there are additions, and most of them are very much needed, and we acknowledge that. But this is not cuts.

The second point, with regard to the matter of IRS law enforcement or enforcement that the gentleman from Wisconsin talked about, the President's proposal would have transferred $43 million out of law enforcement into other areas. We did not permit him to do that. So if there is inadequate law enforcement, I think the problem is to be found in the White House and in the administration and their plans to try to reduce the enforcement part of the Internal Revenue Service.

The third point, with regard to counter-terrorism, the additional monies, as I mentioned, we have $55 million in this bill that is emergency spending so it can be spent immediately, above and beyond the budget caps. We offered in our discussions with the minority as we were trying to get agreement on this, we offered to put an additional $37.2 million, which is more than two-thirds of what the President thought was additionally required in this area. That offer was rejected.

Again, we have not heard, other than that just absolutely everything is needed, there is no negotiation to be done except to give us 100 percent, that has been the bottom line of everything we have had in the discussions here, and that is not what I would call a serious negotiation.

So I think we have been very, very generous, and certainly are going to be prepared to look at additional amounts as we go forward from here. But certainly this conference report deserves support.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman indicated that they offered to put back additional money. They may have offered, but the fact is they have not put it back. So we are not voting on some ethereal offer; we are voting on the legislation before us at this time.

Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first of all let me say to my colleagues, I really think had we had the opportunity to work on this bill a little longer, I know we have been working on it for 10 days, but, very frankly, we could have done this 8 months earlier had we had real numbers at the start and not been told this is the 1st inning and there are 8 innings left to go. I do not know whether it is the 6th or 7th inning, but, very frankly, this is premature consideration, if you will, because we could work this out. I think we are pretty close to working this out, but we are certainly not close, as the ranking member indicated, with not having added what has been offered by your side to add. That is not added here. We are not close to funding IRS.

Let me say something about the chairman's comment about the level of employees of IRS. Let me remind you, he said there were 95,000 IRS employees. In 1992 there were 116,000 IRS employees. What has happened since 1992? Obviously, as the gentleman points out, they have been reduced 20 percent in the level of employees. That happened.

Number two, we have millions of additional taxpayers.

Number three, the complexity of the returns has increased as a result, very frankly, of some of the tax bills offered by the Republican majority which have become law.

Fourthly, we adopted a Restructuring and Reform Act which said we want you to be more customer friendly; that is to say, we want you to give more services, we want you to answer questions more quickly, we want you to be more available for taxpayers to come in to regional offices, all of which were positive things. But then we turn around and we say, guess what though? You do not have any people to do it.

That is a shell game. It is dishonest. That is why I voted against the Reform and Restructuring Act the first time around, and it is one of the best speeches I ever gave, and it was a very short speech. I got up and I said if you want to be for taxpayer IRS reform, you need to be for IRS reform at tax writing time and at budget time.

That is what this report ultimately said. In this bill, we are $305 million under what Mr. Rossotti, not the administration, asked for. Frankly, Mr. Rossotti asked for more money than this to do his job. So do not go home and tell your taxpayers, boy, we are providing the kind of service that you need, because we are on your side, we are taxpayer friendly, and then pretend that you can go from 116,000 IRS employees to serve 270 million Americans, and, sure, it sounds like a big number, until you decide that there are 270 million Americans that are covered. They do not all pay taxes, some are kids, some do not make enough money, but they are all in the mix. And you go down to 95,000, and then expect to say, oh, well, you can do it.

I agree with my chairman, and he and I are good friends and respect one another, and I respect the big chairman, the chairman of the full committee. I think we can work this out. I think we can get pretty close, and I think we can get the administration on board. We did not participate in most of this. Yes, we discussed it, yes, I know the chairman is frustrated by the fact that we have not reached agreement. But you should not have brought this bill forward today, because it would have served the process and our committee if in fact we had worked this bill out and come to the floor together and said we have done what we should have done on IRS, we have done what we should on counter-terrorism, we have done what we should on court houses, and very frankly, we may stay where we are on court houses, with some additional discussion the chairman and I have had.

But I would urge my colleagues, this is not the bill we ought to pass. In my opinion, and the President has not told me this, it is not going to be signed. And why do we continue in the 7th or 8th inning, or the 10th or 11th inning, wherever we are in this inning process, Mr. Chairman, I do not know where we are, but wherever we are, we should bring it to closure through agreement, and we are prepared to do that. We want to do it, I think we can do it, I would hope we would do it. I would hope we would send this bill back to a conference, that is a strange conference, because the Senate has never considered this bill. To that extent there was really nothing in the conference other than our bill, and in fact we did not conference our bill, it was added to the Legislative bill, which is why it is there.

So, my colleagues, I ask you to reject this. We can do better, and we will do better, and, when we do better, this bill will be whole, all of it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I hope this may conclude my part of the debate, but I do feel I need to respond to a few of the things that have just been said in this debate.

A few moments ago we had the gentleman from Wisconsin (Mr. OBEY) pointing out that the counter-terrorism dollars were not in here, that we are not voting on something hypothetical, we have to be voting on the substance of this. In the next moment the gentleman from Maryland (Mr. HOYER) is talking about how the process was not good. So we are talking about the process, not the substance of it. We are kind of getting whipsawed on both sides of this thing here.

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

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, we have concerns about both the process and the substance, which is why we mentioned both.

Mr. KOLBE. Mr. Speaker, reclaiming my time, the bottom line is is this a responsible bill? The question that we should ask is not does this bill have exactly everything in it that I want, because that is not the way the legislative process works; it is is this a responsible bill? And nobody can look at this bill and say that this is not a responsible bill. It does not do everything that I would like, because in the process of being chairman, I have to give on some things. It does not do everything that the gentleman from Maryland (Mr. HOYER) would like, it does not do everything that the White House would like, but it is a responsible bill. It funds in an adequate way the agencies that we are responsible for.

The gentleman from Maryland has told us that this bill will not be signed

by the President. That is somewhat news to us, because we have never been able to get a definitive statement from the White House about that. I do not want to be in the business of passing legislation, these appropriations bills, and going through this process of having them vetoed. I want to get bills that can be signed. But, as I said at the outset, our problem is the White House will not tell us. They have said in no uncertain terms, they will not tell us what it is that they need in order to pass this, other than, of course, give us everything in the request.

So we have to at some point pass a bill so we can get in writing from the White House some kind of a definitive statement about what it is. Perhaps we can do that before we send it to the White House. After we pass it and send it to the White House, perhaps we can work that out, because there are going to be other appropriations bills and other parts of this could be worked out in supplemental or omnibus bills at the end, other appropriation bills and conference reports.

Mr. Speaker, I believe we have a bill that is responsible. I believe we have a conference report that should be supported. I believe that the White House, and I hope the minority, would join us in passing this, so we can move forward and get this legislation enacted into law.

Mr. Speaker, I would like to recognize the work of the staff of my subcommittee: Michelle Mrdeza, the clerk; Kurt Dodd, Jeff Ashford, and Tammy Hughes, and Patricia Schlueter of the minority staff. I would also like to thank Kevin Messner of my personal staff, and Scott Nance, on the staff of Mr. HOYER.

In addition to acknowledging the work of staff who have contributed to getting this Conference Report before the House today, let me give a special thanks to Doug Burke, a special Agent with U.S. Secret Service who is detailed to the Subcommittee as a congressional fellow. Doug came to this assignment after serving for a year as a fellow in the office of my distinguished ranking member, Mr. HOYER. He has brought considerable skill and energy to bear on our legislative work, to include preparing for hearings, conducting detailed oversight analysis, and coordinating two important Committee oversight trips to Miami and the West Coast, where his secret skills as a jazz pianist were exposed. In addition to serving as a full working staff member for the subcommittee, Mr. Burke did extra duty in doing Secret Service advance duty for the Republican National Convention in Philadelphia during the last recess.

Mr. Burke, who grew up in the Washington Virginia suburbs as the son of a former Secret Service Assistant Director, began his government service in the U.S. Navy, and went on from there to graduate from Penn State University. His subsequent career in the Secret Service has included investigative field work in Miami, protective service on the Presidential Detail, and teaching assignments at the Secret Service's Rowley Training Center in Beltsville, Maryland and the Federal Law Enforcement Training Center in Georgia.

I would like to thank Mr. Burke for his contributions to the work of the Subcommittee and wish him well in his future career as he returns this fall to the Secret Service. I would also wish him especially the best as Doug, the father of three, prepares with his wife Sarah to bring a new Burke into the world next year.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes to simply say it is simply not true that the White House has not indicated what they want to see with this bill. They have indicated they want to see more funds for the IRS, they have indicated they want to see more funds for counterterrorism, they have indicated they want additional funds in order to deal with the Puerto Rican election.

They have indicated that they also do not want to have a non-germane separate tax provision which has no business in this bill being considered in this kind of a three-headed package. They have suggested that if indeed that tax package is going to be considered, then it ought to be considered along with other tax items, including some of the tax items that the administration is interested in several other appropriation bills. So they made it very clear what they regard to be the deficiencies in this bill, and I do not think it ought to be asserted otherwise.

Secondly, I would simply say I think the gentleman from Arizona has negotiated in absolute good faith, but I think he has had the rug pulled out from under him, just as we have on this side of the aisle, by the decision of his leadership to proceed in partisan fashion to pass this bill with votes on that side of the aisle alone. I regret that, but that, nonetheless, is apparently what has happened today, and until the substance of the bill is fixed, we do not intend to participate.

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

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, let me say, so the Members understand where we are going to be I think at the end game, if we had continued our discussions about how to resolve this, and so the public understands as well, our constituents understand, I believe we can agree, I believe the White House can agree, on a number for this bill that will still be more than one-half billion dollars under the President's request.

□ 1530

I hope my colleagues heard that. I believe the White House is prepared to sign a bill that is half a billion, almost $600 million under what they submitted to this Congress. So it is not that they are asking, gee, we ought to include all of these additional dollars.

It was, and I want to repeat, in the committee report issued by the majority in the Congress, the Republican majority. It says that their allocation was $1.3 billion too little to meet the priorities. Now, that was still, we understand, $800 million less than the President asked for, which was 2.2. They are adding 1.2 back. So there is still $100 million under what the committee report said they thought, the Republicans thought, was necessary to adequately fund this bill.

I repeat again to the chairman, for whom I have great respect, as everyone on this floor knows, we work together closely, I think we can work this thing out; and I know he is frustrated that we have been at it for 8 or 9 days and have not been able to work it out. There are a lot of interests here. The tax provision that was added to this bill, totally extraneous to our bill, has caused us a problem. That is not of the making of the gentleman from Arizona (Mr. KOLBE) or my making or the making of the gentleman from Wisconsin (Mr. OBEY) or the making of the gentleman from Florida (Mr. YOUNG); but it is causing us a problem, and that needs to be worked out. But we ought not to go up the hill just to be shot down and have to go back up it again.

Mr. Speaker, I think we can reach an agreement that is almost $600 million under the President's request, and I would urge us to do that. Reject this conference report and approve the motion to recommit to conference. Let us sit down at the table, reason together and come up with a reasonable, positive, productive bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this conference report included, as I said in my opening remarks, three different sections. One is the repeal of the Spanish-American War excise tax on telephone costs which passed this House by a vote of 420 to 2. So I take it that the substance of this portion of this legislation is not an issue. The Legislative Branch appropriations part of this package passed the House 373 to 50.

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

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me make clear, that is an issue, because the administration indicates that if that tax is to be considered, and it ought to be considered in conjunction with other changes in the tax law which the administration also wants, not unilaterally in a privileged position, without any of the administration's tax preferences being taken into account. I thank the gentleman for yielding.

Mr. YOUNG of Florida. Mr. Speaker, I thank my friend for his comments, but I think a vote of 420 to 2 is a pretty good indication of how the Members of this House feel about repealing that Spanish-American War tax.

Most of the debate has centered around the other bill that I indicated earlier passed by a landslide, relatively speaking, because it had 14 more votes for it than it had against it. Now, on this Treasury Postal, General Government bill, that is almost a landslide, based on previous votes procedural problems were mentioned because of the adding of the Treasury Postal bill

to the Legislative Branch conference report. That is probably not the best procedure, but we are a bicameral legislature. We have to work with the other body at the other end of the Capitol, as well as working with the President when we complete our conference reports.

The Senate was of the opinion that they needed to add the Treasury Postal bill into the Legislative Branch conference report, so that is what we did. I would not have done that if the House had not passed the Treasury Postal bill. I would not agree to taking any bill and putting in another conference if the House had not already passed it, except under the most unusual circumstances. I just believe I owe that to the Members of the House to give them that protection. So I would not do that. However, if that is what has to be done on the part of the other body to get a bill through the process, then that is what we will do.

It had been suggested that the IRS issue is a big issue, but I want the Members to know that we spent quite a bit of time talking about that. The gentleman from Maryland (Mr. HOYER), who is my dear friend and I have tremendous respect for him and his abilities, he is great; and the gentleman from Wisconsin (Mr. OBEY), who is also my friend and has great ability and talent; and I know a lot of people that watch these debates might wonder, well, how do these guys ever get along together? Just because we have different opinions does not mean that we do not respect each other, because I respect both of those gentlemen. We work together.

In fact, we sat down with the Speaker of the House before we brought this conference report to the floor and one of the issues we discussed was the issue of the additional money for the Internal Revenue Service. The gentleman from Illinois (Mr. HASTERT), the Speaker of the House, gave his word to the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. HOYER) that if we pass this bill, that he would be willing to guarantee that the additional money for the Internal Revenue Service would be added to a subsequent appropriations bill.

Now, we talked a lot about that; and we were unable to come to a conclusion, so we made the determination to move ahead with this bill. We have talked a lot, and I know it was mentioned that maybe we should keep on talking. Well, unless the plan is just to delay the legislation and delay it and delay it, eventually we get to the point that it is time to end the talking, and it is time to take some action, and we think we are at that point.

When we went to the subcommittee on the Treasury Postal bill back in July, 2 months ago, the gentleman from Wisconsin (Mr. OBEY) and myself, the gentleman from Maryland (Mr. HOYER), and the gentleman from Arizona (Mr. KOLBE) sat down and we talked with each other about several issues that were important to Members and had those conversations before we did the subcommittee markup.

Again, prior to the time that we took the subcommittee markup to the full committee, the joint leadership, the gentleman from Illinois (Mr. HASTERT), the Speaker; the gentleman from Texas (Mr. ARMEY), the majority leader; the gentleman from Missouri (Mr. GEPHARDT), the minority leader; the gentleman from Wisconsin (Mr. OBEY) and myself, and the gentleman from Maryland (Mr. HOYER) and the gentleman from Arizona (Mr. KOLBE) and some of the other leaders sat down together in the Speaker's Office, and we talked about some of the issues in this bill. And we talked for a long time, and we decided to proceed with marking up that bill in the full committee. We have done that. We have brought it to the floor and we passed it. We have done a lot of talking. It is now time to take some action.

This is a bill that I think meets the requirements, as we see them today. Should there be some adjustments? The gentleman from Illinois (Mr. HASTERT) had made a firm commitment to the gentleman from Maryland (Mr. HOYER), and I know the Speaker of the House to be an honorable man, a man whose word can be taken as truth. If he gives his word, he keeps his word. He made a commitment to the gentleman from Maryland of what he would be willing to do on a subsequent bill to make this bill more attractive to the minority party.

So I would hope, Mr. Speaker, that we would reject the motion to recommit, and I am told it will be a clean motion to recommit; there will be no instructions. I would say to the gentleman from Maryland I appreciate that, because I believe that that does save us some time here today, and we do have some other appropriations issues to deal with, such as appointing conferees on other bills that we can get into conference and bring back to the House. But reject the motion to recommit the bill, and then let us pass the bill.

Now, if it goes to the White House and the President decides he wants to veto it, so be it. We will deal with that. But as of today, the President and no one in the White House has been willing to tell the subcommittee chairman of this bill that he would veto the bill. Neither the President nor any of his staff has told the chairman of the full committee, this Member, that he would veto this bill. Just this morning, the Speaker of the House communicated with the White House. He was not told that the President would veto this bill. So we are proceeding in good faith. We think that we have worked out a bill here that meets our responsibilities and does it in a very effective way.

So, Mr. Speaker, I hope that we can get on to passage of this bill, and then get to work on the other conference reports that have to be considered and get them to the President so that he has adequate time to consider them before the fiscal year expires at the end of September.

So I ask all of my colleagues to vote for this bill.

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

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the gentleman from Wisconsin and I have had suggestions and in the interest of time, I think we will not, in light of the fact that the motion to recommit is probably redundant in terms of the vote on passage, we will not offer the motion to recommit so that we do not take the additional time of Members.

Mr. YOUNG of Florida. Mr. Speaker, I thank my friend for that, and I think that helps us expedite the business which needs to be expedited.

So with that, Mr. Speaker, I just ask the Members to seriously consider this package, and let us vote it out of the House, get it through the Senate, and send it down to the White House and let the President make his decision once he sees the bill in its final form.

Mrs. MALONEY of New York. Mr. Speaker, while there are still areas of this bill that need to be revised, I would like to commend the Conference Committee Members for including in this report $5 million for the Nazi War Crimes Disclosure Act's Interagency Working Group. This funding is vital to the work of the Interagency Working Group responsible for diligently reviewing documents regarding the atrocities of World War II and making those records available to the public. I applaud Senator DEWINE for successfully securing this funding in the Senate version of the bill and then working with the Conference Committee to retain this funding.

In 1994, I introduced the Nazi War Crimes and Disclosure Act with Chairman STEVE HORN in the House and with the leadership of Senator DEWINE in the Senate. After several hearings held by the Government Reform Committee and wide community support, this bill became law in 1998.

Recently the Government Reform Committee, under the leadership of Chairman HORN, held a hearing to announce some of the findings from the Interagency Working Group's efforts. At this hearing, we heard firsthand how critical funding is to the future efforts of the Interagency Working Group as they begin reviewing classified documents regarding Japanese War Crimes.

The Interagency Working Group has successfully released more than 1.5 million documents to the public. While this is an impressive accomplishment, the IWG has succeeded without the support of Congress. This has led to inadequate staff support and the inability to preserve and protect the deteriorating and crumbling documents.

This conference report before us will be the first time Congress has stepped up to fully support the work of the Interagency Working Group. Already, significant new information about the Holocaust has been revealed in the more than 400,000 Office of Strategic Services records released by the Interagency Working Group at the National Archives this past June, but that is only the beginning. Without the support of historians and trained staff,

we only have a small glimpse of the information contained in those documents.

It is essential that the Archivist use all of the earmarked $5 million dollars which is authorized in this legislation for the explicit purpose of supporting the efforts of the Interagency Working Group so that they may restore decaying documents, afford historians and trained staff, and to help the Archives make these documents available to the public. The report before us contains $14 million more for the National Archives than the previously passed House version. It is my understanding that this increase was included to provide adequate funding for this expenditure.

I therefore urge my colleagues to preserve this provision in the bill and support the vital work of the Interagency Working Group.

While there is still a lot of debate surrounding the Legislative Branch/Treasury Postal Appropriations conference report before us today, and there are many issues that must still be resolved, I rise to highlight two specific provisions in this bill that I strongly support.

First, I am proud that this conference report contains a provision I authored which requires the Office of Personnel and Management to study the positive impact of providing federal employees with paid paternal leave.

This study means progress!

In May, I, along with Mr. DAVIS of Virginia, Mr. HOYER of Maryland, and Mr. GILMAN of New York, introduced H.R. 4567, the Federal Employees Paid Parental Leave Act of 2000. This bipartisan bill would give federal employees 6 weeks of paid parental leave for the birth or adoption of a child—a benefit that the majority of private sector employers already give their employees.

Since we introduced the bill in May, I have heard from men and women across the country who have relayed their stories to me about the great impact this legislation would have on their families. They have told me that they will no longer be forced to make a choice: whether to stay home with an ill newborn or to put food on the table.

In response to this overwhelming support, we have asked OPM to conduct a study to understand the important of providing paid parental leave to federal employees. This study will help us understand and quantify why H.R. 4567 is so important. It will also likely reveal that the federal government will become more competitive with the private sector by offering paid parental leave. It may also show that the government's recruitment efforts will be boosted and that the costs related to turnover and replacement will be greatly reduced. Finally, this study will conclude that the federal workforce can win back dedicated and qualified workers to the government if we offer a benefit that is already being offered by the majority of private sector companies.

Everyone always says that the federal government should be run more like a business. This study will lay the foundation for the federal government to do just that.

Let's keep this provision in the bill and show our federal employees that we care about them and support their families.

I am also extremely pleased that we were able to find additional resources for this conference report to adequately fund the activities of the General Accounting Office. The funding included in this appropriation will guarantee that the GAO will be able to continue to produce the high quality, objective reports that we have come to expect.

In recent years, the GAO has experienced severe budget cuts even as the demand for their services has grown. Since 1992, the GAO has been forced to reduce its workforce by 40%. Nonetheless, the quality of their work has never wavered. As a Member of the Government Reform Committee, I have frequently had the opportunity to see the GAO in action and have been constantly impressed by the quality and professionalism of their reports and testimony. Recently, the GAO's oversight of the decennial census has reminded me again of the fantastic, impartial work that the GAO consistently provides. I commend them for their work.

I strongly believe that this agency is one of our best resources in the quest to make government run more efficiently. In fact, for every dollar invested in the GAO, taxpayers save more than $57.

The funding included in this legislation will guarantee that the GAO will be able to hire necessary personnel to meet ever-increasing Congressional demands and continue to provide the services we have come to expect.

I applaud the inclusion of these resources and hope that next year we can find the resources for the GAO without hurting the funding of the other agencies we rely on every day.

Mr. Speaker, I strongly support these provisions included in the Conference Report. Even though other measures in this particular report will prevent me from supporting this bill, I look forward to working with my colleagues to retain these provisions and work toward a conference report that will have full support.

Mr. GILMAN. Mr. Speaker, I rise today in support of the conference report which contains language that seeks to close a loophole regarding the safety of child care in Federal facilities throughout this country. I would like to thank Mrs. MALONEY and Mrs. MORELLA for their support of this issue and their dedication to improving the quality of child care for all children.

Congress passed the Crime Control Act in 1990 which included a provision calling for mandatory background checks of employees hired by a Federal agency. However, some agencies have interpreted the law in such a way that many child care employees are not subjected to these background checks.

Currently, Federal employees across the country undergo, at the bare minimum, a computer check of their background which includes FBI, Interpol and State police records. However, some child care workers who enter these same buildings on a daily basis do not. Federal employees who use federally provided child care should feel confident that these child care providers have backgrounds free of abusive and violent behavior that would prevent them from working with children.

Moreover, this amendment helps to ensure the overall safety of our Federal buildings. Child care workers step into Federal buildings each day and look after children of Federal employees. Without performing background checks, the children in day care, as well as the employees in Federal facilities, are exposing themselves to possible violent attacks in the workplace. A child care worker with a history of violent criminal behavior has the opportunity to create a terrorist situation the likes of which have not been seen since the tragedy in Oklahoma City.

Child care providers working in Federal facilities throughout the country have somehow fallen through the cracks and have become exempt from undergoing a criminal history check. This amendment corrects this situation. Accordingly, I urge my colleagues to support this conference report.

Mr. MOORE. Mr. Speaker, I rise today in opposition to H.R. 4516, the FY 2001 Legislative Branch/Treasury-Postal Conference Report.

This mini-omnibus appropriations bill is business as usual and I did not come to Congress to engage in business as usual. The people of Kansas' third district expect and deserve more of us. As Congress has done for too many years, today it will be voting on a bill that violates both the rules of the House and the Senate in the name of political expediency.

Under these rules, Congress is supposed to consider 13 appropriations bills for each fiscal year. Under normal procedures, those bills should come before the House and the Senate individually, with opportunities for amendment and debate. After a conference report is negotiated, the House should then have the opportunity to vote on each bill, standing alone. Unfortunately, Congress has refused to follow its own rules. The majority party has combined two appropriations bills in this so-called conference report—one of which has yet to be considered by the full Senate.

I have only been a Member of this body for 18 months, but I understand that these rules and procedures were put in place to protect the rights of all Members to represent fully the interests and concerns of our constituents. We cannot do so when we are confronted with an omnibus conference report which rolls together a number of provisions, that one of our two deliberative bodies has not had the opportunity to fully consider.

While the process under which this bill has been considered is unacceptable, it does contain many programs which I have fought for and for which I would vote under normal circumstances. I am pleased that this bill contains provisions that strongly support 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 stopping the scourge of gun crimes that have crippled this nation.

This bill also contains a provision that I strongly support which would roll back the 0.5 percent 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 their private sector counterparts contribute. Mr. Speaker, the budget is balanced: it is time to stop funding surpluses at the expense of our hard working Federal employees.

Finally, I strongly support the provision in this bill that would repeal the 3 percent telephone excise tax that was levied as a luxury tax over 100 years ago to fund the Spanish American War. Mr. Speaker, the war is over and, with over 94 percent telephone ownership, this service is no longer a luxury. It is past time to repeal this tax and I voted to do so back in May when the House first considered this issue. I am disappointed that the majority party chose to hold this important issue hostage by marrying it with this controversial

measure. While I support many of the priorities in this bill, I remain concerned about one provision in this bill that suggest this Congress is not serious about holding the line on spending.

Mr. Speaker, 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. Speaker, 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 paycheck.

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.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in strong support of the conference report of the Legislative Branch Appropriations Bill, the Treasury-Postal Service-General Government Appropriations Bill and repeal of the telephone excise tax, H.R. 4516. The Appropriations Committee has agreed to hire 600 ATF agents and to fund DNA ballistics technology that will assist law enforcement in arresting criminals. The conference report extends the Youth Crime Gun Interdiction Initiative to 12 additional cities. My ENFORCE bill authorizes the same programs. The funding levels of this legislation are a victory for gun enforcement.

It is the first time gun safety and pro-gun Members have decided to give law enforcement the tools necessary to enforce existing gun laws. Now we all agree gun enforcement equals more ATF agents and funding for ballistics technology. It is particularly gratifying that the conferees dropped the language that would have prohibited local law enforcement agencies from giving a buying preference to gun manufacturers which have agreed to make safer guns and to sell only to distributors that conduct background checks.

Now, communities from Long Island to Hawaii will be able to purchase guns for their police officers that are safe and marketed through responsible dealers. This legislation contains the repeal of the Federal telephone tax. As a life-long resident of Nassau County, I know first-hand that our taxes are too high. I am grateful that the House of Representatives has recognized that the time has come to put an end to this unnecessary tax, which was originally imposed as a temporary luxury tax to help finance the Spanish-American War. Since the telephone is a necessity I am delighted the House is acting to remove this regressive tax that disproportionately affects lower income Americans.

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

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 209, not voting 13, as follows:

[Roll No. 476]

YEAS—212

Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Larson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Duncan
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Largent
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—13

Becerra
Campbell
Clay
Eshoo
Forbes
Gutierrez
Klink
Lazio
McCollum
McIntosh
Vento
Weldon (PA)
Wise

□ 1614

Messrs. ROEMER, DELAHUNT, STENHOLM, TURNER, ROGAN and Ms. KILPATRICK and Mrs. NORTHUP changed their vote from ''yea'' to ''nay''.

Messrs. RAHALL, METCALF, MASCARA, CRANE and HILL of Montana changed their vote from ''nay'' to ''yea''.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1615

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 654

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 654.

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

There was no objection.

RE-REFERRAL OF H.R. 4975, FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE, TO COMMITTEE ON GOVERNMENT REFORM

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of H.R. 4975, and that H.R. 4975 be re-referred to the Committee on Government Reform.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. PACKARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. PACKARD, ROGERS, KNOLLENBERG, FRELINGHUYSEN, CALLAHAN, LATHAM, WICKER, YOUNG of Florida, VISCLOSKY, EDWARDS, PASTOR, FORBES, and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4475, be instructed to insist on no less than $43,144,000, the amount provided in the Senate amendment, for the pipeline safety program.

The SPEAKER pro tempore. Under the rule, the gentleman from Minnesota (Mr. SABO) and the gentleman from Virginia (Mr. WOLF) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

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

Mr. Speaker, this motion to instruct conferees is very straightforward. It is a motion to help make our communities safer and cleaner by providing increased resources to protect them from the dangers of and damage from pipeline explosions, failures, and leaks.

As the conference on the differences between the House and Senate versions of the fiscal 2001 transportation appropriations bill begins, we now have an opportunity to provide these additional resources to the Office of Pipeline Safety that the Office of Pipeline Safety needs.

For fiscal year 2001, the Secretary of Transportation has requested $47 million for pipeline safety activities, an increase of $10 million more than last year. And while neither the House nor the Senate transportation appropriations bills provide the full increase requested, we ought to get as close to that mark as we possibly can in the final conference agreement.

This motion to instruct directs the House conferees to agree to no less than $43 million that is included in the Senate amendment for the Office of Pipeline Safety. The Senate level would provide $3 million more than the House level of $40 million and $6 million more than last year. This is the minimum amount that we should provide.

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, on a warm summer, predawn day on August 19 of this year, several families were sleeping at a campsite 20 miles south of Carlsbad, New Mexico. Without notice, a 30-inch diameter natural gas pipeline blasted through the earth, sprouting a 350-foot high fireball and causing a 20-foot-deep, 86-foot-long and 46-foot-wide blast crater.

This accident tragically killed a total of 12 people, including five children camped near the site of the explosion. Examination of the broken pipe determined that corrosion had eaten away one-half of the 50-year-old pipeline's wall in places.

Mr. Speaker, in order for Americans to be assured that the oil and gas pipeline industry is properly regulated and the communities have the opportunity to oversee these operations, we must fully fund the Office of Pipeline Safety. Fully funding of the Office of Pipeline Safety is a proper start to regulating an industry that has gone too far and too long without proper oversight.

The bill I have cosponsored with the gentleman from Washington (Mr. INSLEE), H.R. 4792, the Comprehensive Pipeline Safety Improvement Act of 2000, emphasizes increased pipeline inspections and public notification of where pipelines are located. It also would require stricter certification for pipeline operators and employees.

This issue is a matter of community and worker safety. We must be at the forefront of this topic by providing full funding for the Office of Pipeline Safety so that we can better protect our citizens from natural gas catastrophes.

I urge all Members to support the motion to instruct.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I stand here to say that our national oil and gas pipeline safety standards are a national disgrace. They are more like Swiss cheese than safety standards. And as a result of those wholesale failures to inspect pipelines, we had three young people die in Bellingham, Washington, and we have entire families being incinerated in New Mexico. And while these tragedies occur, indeed Congress fiddles.

For every one safety inspector in this country, we have almost 50,000 miles of pipeline. We have a wholesale failure to do these inspections. And this will take one step forward to increase probably 30 inspectors so we can move on with these inspections.

Let me say that giving resources to the Office of Pipeline Safety is not enough. It is not simply a matter of resources. It is a matter of will and statute. We have wholesale failure of having an adequate statute, as well.

We are calling upon this House in this Congress to adopt meaningful, aggressive, comprehensive revisions of our oil and gas pipeline standards. We have several bills pending in the House. We are calling for the leaders of the House of both parties in this Chamber to adopt a comprehensive inspection standard.

Let me advise the House there is a bill that has come from the other Chamber. It is woefully inadequate. It does not require inspections by statute. It again goes down that rose-colored path of giving discretion to the Office of Pipeline Safety. That is the path of

failure. We have to adopt a standard that cannot give any wiggle room to the industry or to the bureaucrats.

Let us pass a strong comprehensive bill this year out of this Chamber. America deserves no less.

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

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

Mr. Speaker, I accept the instruction and pledge to work with the gentleman from Minnesota (Mr. SABO) and our staff with his staff to get this number to the highest possible that we can. So, publicly, I think it is a good instruction. Let us just not do an instruction and walk away and nothing ever happen. Let us get the number up.

So I will work with the gentleman from Minnesota (Mr. SABO), and I completely agree and we accept.

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

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

Mr. Speaker, I thank the chairman for his generous comments. My friend, the gentleman from Virginia (Mr. WOLF), has always been someone highly committed to safety in the various transportation modes, and I congratulate him for his continued effort.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. WOLF, DELAY, REGULA, ROGERS, PACKARD, CALLAHAN, TIAHRT, ADERHOLT, Ms. GRANGER, and Messrs. YOUNG of Florida, SABO, OLVER, PASTOR, Ms. KILPATRICK, and Messrs. SERRANO, FORBES, and OBEY.

There was no objecton.

□ 1630

APPOINTMENT OF CONFEREES ON H.R. 3244, TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. WATT of North Carolina moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3244 be instructed to recede to the Senate on provisions contained in section 7 of the Senate amendment (relating to obtaining visas for victims of trafficking without numerical limitation) in order to ensure that any victim of trafficking in the United States who has been forced, coerced, or defrauded into sexual slavery, involuntary servitude, or other relevant conditions and who has escaped such bondage may obtain a visa and remain in the United States and to encourage such victims to assist United States law enforcement authorities to break up trafficking rings and end the terrible practice of trafficking in human beings.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Florida (Mr. CANADY) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am offering this motion to instruct conferees at the request of the gentleman from Michigan (Mr. CONYERS), who may show up here at any moment and participate in this discussion, but in the interim I am trying to carry his water for him.

Of all the human rights violations currently occurring in our world, the trafficking of human beings, predominately women and children, has to be one of the most horrific practices of our time. At its core, the international trade in women and children is about abduction, coercion, violence and exploitation in the most reprehensible ways. H.R. 3244 is a modest effort to eradicate forcible and/or fraudulent trafficking of persons into prostitution or involuntary servitude.

Among other things, the bill increases penalties and provides some protection for victims who would otherwise be deportable if identified by law enforcement, by creating a new ''T'' visa category for eligible victims. Unfortunately, the bill reported out of the Committee on the Judiciary and approved by the House is much more restrictive than the bill originally introduced by the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON). Instead, a much narrower bill was substituted by the Committee on the Judiciary markup to satisfy unrealistic concerns that the bill would somehow enable persons to fraudulently obtain a lawful status by claiming that they were a victim of sex trafficking or involuntary servitude.

Most significantly, the bill unnecessarily caps at 5,000 per year the number of victims who can receive a nonimmigrant visa and caps at 5,000 per year the number of victims who can become permanent residents.

Because estimates of the number of trafficking victims entering the United States are greater than 5,000 per year, I see no reason not to provide protection to the 5,001 and the 5,025 victim who have been the subject of such terrible acts. As a result, my motion to instruct instructs the conferees to recede to the Senate provision which contains no such cap.

We have no arbitrary limit on the number of refugees who can enter this country. We have no arbitrary limit on the number of asylees who can enter this country and, in my judgment, it is beneath our dignity as a nation to use an arbitrary cap to shut our doors to victims of slavery and sex trafficking.

The Members should know that this motion is supported by the Catholic Conference, the National Organization for Women, Legal Defense and Educational Fund and the National Immigration Law Center. I urge the Members to support this common sense and compassionate motion to instruct.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to instruct, and I would like to briefly address the motion. I need to point out to the Members that the bill that passed the House was a carefully crafted compromise that took into account all the input that we had received in the committee process on this legislation. It is my understanding that of all the estimates that have been made concerning the number of potential beneficiaries under this legislation, who would be eligible to obtain visas, none of those estimates have exceeded the 5,000 cap.

The original estimates were substantially below the 5,000 cap that is included in the bill, so I believe that it is unlikely, extremely unlikely, that this cap would have any practical impact. The cap is there, however, to make certain that this bill does not result in admissions that are beyond what was anticipated when the legislation was considered.

The chairman of the subcommittee of jurisdiction, the gentleman from Texas (Mr. SMITH), is on his way to further discuss the motion to instruct and to express his opposition so I would just make that general observation that I have made.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I strongly object to the 5,000 per year cap on trafficking of victim visas imposed by the majority. The majority

has not been able to cite a single bit of evidence in the hearing or in the markup to support a cap of 5,000. We understand from the prior speaker that there is opinion that this may be sufficient, and if that is the case there is certainly no harm in not having an arbitrary cap. If it is less than 5,000, then there will be no issue but if, if, one year there is more than 5,000 we would find this cap to be morally wrong.

It is an unfortunate fact of life that we can never predict how many people will be the victim of trafficking and how serious their plight will be; how many of them will seek refuge in our wonderful country, a bastion of freedom. Congress has granted similar discretion to increase refugee caps and there are no caps for asylum candidates. So it is my view that we have room in this vast, wonderful, prosperous country for victims of sex trafficking and slavery, and I do not want to be an American who says to the 5,001 victim, they are out of luck.

In fact, the evidence is that the cap of 5,000, in fact, may be too low. There was recently an exhaustive report by the Central Intelligence Agency titled, the International Trafficking in Women to the United States, a Contemporary Manifestation of Slavery. That is the name of the report. It outlines women who are brought to the United States to work as prostitutes who are abused as laborers or servants, and even if this report overestimates the number of trafficking victims by a large factor, the limit of 5,000 would still be too low and it would deny thousands of victims of trafficking any right to remain in this country.

So I think we ought to put this into context. We have already in this country women who have been brought here and really held in virtual slavery, sometimes as victims of sexual oppression. When those women break free, we want to make sure that they have found refuge in this country of freedom. We do not want to then turn them away back to their abusers.

So, Mr. Speaker, I would urge my colleagues on both sides of the aisle to lift up their hearts, remember that America stands for freedom, to understand that we have room for the 5,001 victim of slavery who is held here and seeks freedom and to support the motion to instruct conferees.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SMITH), the Chair of the Subcommittee on Immigration and Claims, and I ask unanimous consent that he be permitted to control the remainder of the time.

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

There was no objection.

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

Mr. Speaker, first of all, I would like to thank my colleague and friend, the gentleman from Florida (Mr. CANADY), for yielding me his time and for speaking in opposition to this motion. I, too, oppose this motion.

Mr. Speaker, I oppose this motion to strike the cap on the number of visas and green cards given to trafficking victims. The bipartisan authors of this bill gave us this number of 5,000 when estimating the size of the victim group. In fact, at one point, the estimated size of victims was 1,500, so 5,000 is a very, very generous level.

We ought to stand by their estimate and respect the desires of the bipartisan authors of this bill. Also, Mr. Speaker, imposing a cap obviously safeguards against fraud. Rather than having an unlimited number of visas available that might be taken advantage of by individuals wanting to get into the system, we need to have that cap to avoid people being tempted to take advantage of the system and abuse the privilege.

This bill is a merging of both Republican and Democratic trafficking bills. The authors of this bill estimated the number of trafficking victims in the United States to be no more than 5,000. Both Democrats and Republicans agreed on this cap at the Committee on the Judiciary because it was the number given to us by the authors of the bill. Now some want to eliminate the cap altogether.

Whenever a new form of immigration relief is created, many aliens apply for that relief. Too often, those applications do not contain bona fide claims of relief. We need tools to prevent this form of relief from being abused and jeopardizing relief for valid and legitimate claimants. One of those tools is a cap.

When a group of people needs protections or relief from deportation, it is important to know the size of that group to understand the size of the problem. If the group size is known or estimated, no harm is done in creating a cap that correlates to that group's size. The size of trafficking victims has been estimated. The authors of the bill have told us the group size is 5,000 people so no harm comes from imposing a cap of 5,000 and, in fact, much good comes from having a cap to stop the fraud and abuse.

This cap will prevent large numbers of aliens from falsely claiming to be trafficking victims. It safeguards against fraud, which everyone should be concerned about.

Finally, the caps in this bill are on the victims only. They are not on the victims' family members. So spouses, sons and daughters, children of the victim and even parents of the victim, if the victim is under 21, may all receive a visa and a green card free from this cap.

□ 1645

The same is true for the green cards themselves. The green card cap of 5,000 is again just for the victims only. It is not on the victims' family members, so obviously many more than 5,000 individuals will be admitted and be able to avail themselves of this new category. There is no reason to remove this cap, and I strongly urge my colleagues to oppose it.

The bipartisan authors of the bill, I want to repeat again, gave us the number of 5,000 because they thought that was more than adequate to satisfy the needs of all legitimate victims, and we should stand by that number. Having a cap in place prevents fraud, and I urge all of those who are concerned about fraud, as we seen so often in our immigration system, to oppose this motion.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Texas (Mr. SMITH) would have us believe that this is about fraud. It is not. Regardless of how many people come in having been imported into our country as slaves or as sex objects, there still has to be an application to stay, and that application has to be evaluated, so the fraud is taken out in that context.

It may be that if the gentleman is worried about fraud, it would be 4,000 in the first 5,000 who have engaged in some fraudulent activity. That is not the issue here. The issue is would we send a woman or child who has been sexually abused and put into slavery in this country back into another country where that kind of activity was going on, so whether the victim is the 499th or the 4,099th, or the 515th or the 5,015th should not be the issue. The issue is what should our policy be, and we should open our arms to these people.

Mr. Speaker, I keep hearing these estimates and the statement that there was some bipartisan agreement. Let me be clear that there was no bipartisan agreement about this number. The bill came out of the committee, but there was substantial disagreement. There was an effort to revise the number in the committee, and I am looking at a report here from the Central Intelligence Agency briefing in April of 1999 that estimated that the number of women and children who are trafficked annually into the United States primarily by small crime rings and loosely connected criminal networks is between 45,000 and 50,000.

Now, the estimate, the guess, about how many of those people will come forward and present themselves is no more than conjecture. One-tenth of them might come forward, in which case we would have a number between 4,500 and 5,000; but if 20 percent of them came forward, you would have a number at 10,000, and would it be in our own conscience as a Nation to deprive that extra 5,000 or that extra 100 by some arbitrary cap that really is just an arbitrary figure?

Our policy is to welcome people in, who have been abused, into other countries, and that should continue to be our policy.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for yielding me the time.

This is a human rights issue of great moment to me. One of the worst practices that has come to the Congress' attention is this trafficking of women and children and the coercion and exploitation and violence that accompanies it.

We are disappointed that the bill introduced formally by our colleagues the gentleman from Texas (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON) has been narrowed in the Committee on the Judiciary, and we have put caps at 5,000 per year on the number of victims.

As the gentleman from North Carolina has pointed out, this is arbitrary and beneath our dignity as a Nation. I am happy to say that many of the immigration and human rights organizations support us, and so I urge that this motion to instruct be given very careful attention by our colleagues.

Mr. Speaker, I think the cap is arbitrary and does frankly a good disservice to our international image as a country concerned with human rights.

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

Mr. Speaker, I just want to say to my friend from North Carolina (Mr. WATT), because I know him well enough to know that he would never intentionally mislead anyone, but I would like to clarify a figure that he used, 45,000, and emphasize that is a worldwide figure of possible victims. That is not the number expected, I understand, to come to the United States.

I would repeat the point that the authors of the bill who represented Republicans and Democrats are very comfortable with this cap of 5,000. It does guard against fraud. In fact, going back to the cap, we think it is more than generous, and I urge my colleagues to oppose this motion, one, because we need to prevent fraud; and, two, because the bipartisan authors of the bill are happy with that cap.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to comment on the point that my colleague from Texas (Mr. SMITH) has raised. I am reading a report from the Center for the Study of Intelligence, and I am reading verbatim from that report. It says, and I quote: ''An estimated 45,000 to 50,000 women and children are trafficked annually to the United States.'' Now, that might be worldwide being trafficked into the United States, but that is what this bill is about.

How many of them are we going to allow? How many are going to come forward and seek to stay here once they have been trafficked in? If the figure is wrong, it is because the report is wrong; it is not because I have misstated the record. I am stating it in good conscience. I cannot verify it. I was reading from a report. Maybe the gentlewoman from California (Ms. LOFGREN) will have some clarification.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I just wanted to ask the gentleman his judgment. It is my understanding from law enforcement that the ability to actually prosecute these traffickers and to put an end and decrease the number of people who are brought in and abused is really very much dependent on the ability of these women to escape and to understand that they will be given refuge; and if you cannot escape and be given refuge, then you really cannot cooperate with the police, and we will never be successful in eliminating and prosecuting and ending this trafficking in human beings as sex slaves.

Mr. Speaker, I would ask the gentleman from North Carolina if that is his understanding as well.

Mr. WATT of North Carolina. Reclaiming my time, I think the gentlewoman from California makes an exceptionally good point that in addition to the human rights argument, there are actually public safety and criminal law administrative reasons that we should not have this cap, because we want to have in place an incentive for these women and children to be able to come forward and break out of this sex ring and slave ring and come forward. The primary incentive they have is to seek to be able to stay in the United States, and if they cannot do that, then we provide no protection to them as a Nation.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for yielding the 3 minutes to me.

Let me thank the gentleman from Michigan (Mr. CONYERS) for this motion to instruct and the leadership of the Members on this floor. I hope that our colleagues are listening to us. The gentlewoman from Illinois (Ms. SCHAKOWSKY) and myself offered an amendment, or legislation, dealing with battered immigrant women, which is not a directly pointed point, but it does deal with the abuse of women.

So we know that overall in these issues dealing with sexual abuse or physical abuse, it is most necessary to have some kind of relief. The capping that is going on with respect to the victims of trafficking is egregious, and it is important that we should not cap the numbers to avoid helping people. What happens is with this motion, it answers the need, because it eliminates the arbitrary 5,000 annual cap so we can provide these as to all victims who have been forced into involuntary servitude and sexual trafficking.

Mr. Speaker, needless to say, we can document today with stories that recount for us that sexual trafficking or trafficking of human beings for sexual activities continues today. When we traveled to Southeast Asia and Bangladesh and India and Pakistan, there were women there who told us they were victims of it.

It has happened to us, there were children who were able to relay the story of what happens, and sometimes these people are able to make their way to a refuge in the United States, and that is why the Catholic Conference, the National Organization for Women Legal Defense and Education Fund, and The National Immigration Law Center see the merit in this motion to instruct, that the cap is dangerous, the cap is devastating, and in some sense, Mr. Speaker, it is inhuman.

It is extremely important that we begin to look at this problem as a real-life, 21st century problem; and the act itself combats trafficking with a three-tier approach. It has prevention, prosecution, and enforcement against the traffickers, but we must find a way to protect the victims.

This motion to instruct says the victims are important. The capping is wrong. Let us remove the arbitrary cap. Let us make sure that we provide visas to all of those in need. This is reasonable, Mr. Speaker. It addresses the current problem. I hope my colleagues will see the good sense of it, and that they will vote for it.

Mr. Speaker, trafficking in human beings is a form of modern-day slavery. At its core, the international trade in women and children is about abduction, coercion, violence, and exploitation in the most reprehensible ways.

Trafficking victims suffer extreme physical and mental abuses, including rape, torture, starvation, imprisonment, death threats, and physical brutality. Women and children trafficked into the sex industry and exposed to deadly diseases, including HIV and AIDS. Victims trafficked into domestic servitude, bonded sweatshop labor and other industries are subject to violence and sometimes literally worked to death.

The Trafficking Victims Protection Act of 1999 combats trafficking with a three-tier approach. It provides for prevention, prosecution and enforcement against the traffickers, and assistance to the victims of trafficking. We can and should provide assistance to the victims of trafficking.

However, the bill unnecessarily caps at 5,000 per year the number of victims who can receive a nonimmigrant visa and caps at 5,000 per year the number of victims which can become permanent residents.

This is unfortunate because estimates of victims entering the United States are greater than 5,000, and we should not cut off protection.

This Motion To Instruct is supported by the Catholic Conference and the National Organization for Women Legal Conference and the

National Organization for Women's Legal Defense And Education Fund. I urge Members to support this Motion to Instruct.

Mr. WATT of North Carolina. Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I hope Members will remember to vote against this motion because it will prevent fraud, and the cap has been agreed to by the authors.

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

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from North Carolina (Mr. WATT).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. GILMAN, GOODLING, SMITH of New Jersey, HYDE, SMITH of Texas, Mrs. JOHNSON of Connecticut; and Messrs. GEJDENSON, LANTOS, CONYERS, and CARDIN.

There was no objection.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE HERBERT H. BATEMAN

The SPEAKER pro tempore. Pursuant to House Resolution 573, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Herbert H. Bateman:

Mr. BLILEY, Virginia;
Mr. HASTERT, Illinois;
Mr. ARMEY, Texas;
Mr. BONIOR, Michigan;
Mr. WOLF, Virginia;
Mr. BOUCHER, Virginia;
Mr. SISISKY, Virginia;
Mr. PICKETT, Virginia;
Mr. MORAN, Virginia;
Mr. GOODLATTE, Virginia;
Mr. SCOTT, Virginia;
Mr. DAVIS, Virginia;
Mr. GOODE, Virginia;
Mr. SPENCE, South Carolina;
Mr. SHUSTER, Pennsylvania;
Mr. SKELTON, Missouri;
Mr. STUMP, Arizona;
Mr. BEREUTER, Nebraska;
Mr. HUNTER, California;
Mr. SKEEN, New Mexico;
Mr. BILIRAKIS, Florida;
Mr. BURTON, Indiana;
Mr. ORTIZ, Texas;
Mr. PACKARD, California;
Mr. HOUGHTON, New York;
Mrs. MORELLA, Maryland;
Mr. GOSS, Florida;
Mr. MCNULTY, New York;
Mr. TANNER, Tennessee;
Mr. BARTLETT, Maryland;
Mr. BUYER, Indiana;
Mrs. FOWLER, Florida;
Mr. MCKEON, California;
Mr. EHLERS, Michigan;
Mr. HOSTETTLER, Indiana;
Mr. LAHOOD, Illinois;
Mr. LATHAM, Iowa;
Mr. GIBBONS, Nevada;
Mr. RILEY, Alabama; and
Mr. SHERWOOD, Pennsylvania.

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. There will be no votes in the House tomorrow in honor of our late friend and colleague, the gentleman from Virginia, Herb Bateman.

The House will next meet on Monday, September 18 at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 o'clock p.m.

On Tuesday, September 19 and the balance of the week, the House will consider the following measures:

The Debt Relief Lockbox Reconciliation Act for FY 2001;

H.R. 2909, the Inter-country Adoption Act;

H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 Conference Report; and

H.R. 3244, the Trafficking Victims Protection Act Conference Report.

Mr. Speaker, we also expect that appropriators will be working hard to complete conference reports for consideration in the House next week.

□ 1700

THE JOURNAL

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

EIGHTH BIENNIAL REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—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; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4107(b)), I transmit herewith the Eighth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1998, to January 31, 2000).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 2000.*

ADJOURNMENT TO MONDAY, SEPTEMBER 18, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, September 18, 2000, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RADANOVICH) is recognized for 5 minutes.

(Mr. RADANOVICH 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 Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA'S NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to discuss an issue that is not getting the attention I feel it deserves in the current national debate between the major presidential candidates and Members from both parties running for Congress, the House and the Senate, and that is the issue of America's national security.

I want to start, Mr. Speaker, by focusing on the speech that President Clinton gave at Georgetown University just 2 weeks ago on the issue of national missile defense. The President gave the speech because when he signed my national missile defense bill into

law over 1 year ago, the President said that he would sign into law, agree to move forward, on national defense, but then make a decision to go forward at some point in time in the future.

Mr. Speaker, let me go back and restate for our colleagues the facts in this area, the actions by the President, and then go through the President's speech in detail and attempt to give what I would consider to be our response to the President's speech.

First of all, Mr. Speaker, 5 years ago the CIA produced an intelligence estimate that told the Congress and the American people we would not expect to see a threat emerge that could hurt the U.S. directly from a long-range missile for at least 15 years.

Many of us on both sides of the aisle felt that that estimate was incorrect. In fact when we pressed the CIA, and I was the one who got the first classified briefing on that report because I was one of the requesters of it, the CIA eventually changed its mind and came to a conclusion that we all agreed to with Donald Rumsfeld and the Rumsfeld Commission that in fact the threat was not 15 years away, but that in fact the threat was here today and growing dynamically with every passing day. That major change caused a bipartisan group in the Congress to want to prod this administration to move forward in defending America, its people, and its troops.

Some would say, why would you want to do that? There has never been an attack on America. No country is going to attack us because we have such tremendous clout, we could wipe them out, and if they really want to harm us, they would use a truck bomb or use a car bomb or an explosive device.

Mr. Speaker, the facts just do not support that contention. In fact, Mr. Speaker, in 1991, 28 young Americans came home in body bags from Saudi Arabia because our country let those young men and women down. Twenty-eight young Americans came home in body bags because we could not defend against a low complexity scud missile. The scud missile was launched into our military barracks in Saudi Arabia, just as Saddam had launched missile after missile into Israel, raining terror on the Israeli families who were injured and killed by those attacks.

Mr. Speaker, that attack by Saddam on our soldiers, and they were both young women and young men, they were young wives and young fathers, because they were largely from reserve units, half of them from my State, showed the vulnerability of America to the emerging threat that missiles provide.

In 1991, this Congress vowed that that would never happen again, that we as Republicans and Democrats would never allow America's sons and daughters to be wiped out by a terrorist like Saddam or a Nation like Iran or North Korea that would use missiles to kill our people. So, as a result, Mr. Speaker, we began to work the process in the Congress to change the minds of Bill Clinton and AL GORE in terms of missile defense.

Now, let me state for the record, Mr. Speaker, that President Clinton and Vice President GORE categorically opposed missile defense through the first 7 years of their administration. Now, the President and the Vice President can spin this any way they want, but the facts are that for 7 years they opposed missile defense. They opposed the Congress when we said the threat was emerging. They opposed the Congress when Democrats and Republicans put more money into missile defense systems. They opposed the Congress when we said that the ABM treaty was not flexible enough to allow us to defend our homeland and our people. For 7 years, President Clinton and Vice President GORE said we do not have to worry about missile defense, we rely on arms control agreements.

Let me say this, Mr. Speaker. I am not against arms control agreements. In fact, I support most of the arms control agreements that America is a party to. But there is an interesting point about arms control, Mr. Speaker, and that is that if you do not enforce those agreements, if you do not abide by the requirements to penalize those entities that violate those agreements, they mean nothing, they are worthless pieces of paper.

That has been the record of this administration. Two years ago, Mr. Speaker, I did a speech on the House floor. I documented in that speech 37 violations of arms control agreements by China and Russia. Thirty-seven times we caught Russia and China sending technology away from their country, which is illegal under the arms control agreements that we are party to with those nations.

Where did they send that technology? They sent it to a few countries: Iran, Iraq, Syria, Libya, North Korea, Pakistan and India. Thirty-seven times we caught the Russians and the Chinese sending technology abroad. That is a violation of arms control agreements, and 37 times we should have imposed sanctions on those countries and on those companies in those countries that we caught violating those arms control acts.

Out of those 37 times that we caught the Russians and the Chinese transferring arms, we opposed the required sanctions two times; once when we caught the Chinese transferring M–11 missiles to Pakistan, and the second time when we caught the Chinese transferring ring magnets to Pakistan for the nuclear program. The other 35 times we pretended the transfers never occurred. We denied that we had evidence.

In fact, Mr. Speaker, it is so bad that in one case I was in Moscow January of 1996, one month after the Washington Post reported that we had caught, actually with the help of our allies in that area, we had caught the Russians transferring guidance systems to Iraq.

What are these guidance systems used for? They are used to make those missiles that killed our young people more accurate. They are used to make the missiles that killed Jews in Israel more accurate. The Washington Post said that we had caught the Russians giving this technology to Iraq, on the front page of their newspaper.

So I was in Moscow, and I was in the office of Ambassador Tom Pickering, who is currently the third ranking leader in our State Department. I said, ''Ambassador Pickering, what was the Russian response when you asked them about the fact that we caught them transferring these devices to Iraq, which is a violation of the missile technology control regime, an arms control agreement?''

He said, ''Congressman WELDON, I didn't ask the Russians yet.''

I said, ''Mr. Ambassador, why wouldn't you ask the Russians? The Washington Post reported it on the front page. They said it happened back in June. Why would we not demand the Russians stop this process and demand action on the part of sanctioning those Russian companies?''

He said, ''That effort has got to come from the White House. It has got to come from Washington. I can't take that action as the ambassador here.''

So I came back to Washington and wrote to President Clinton a letter in January of that year, which he responded to in March of that year, and in that letter he said, ''Dear Congressman WELDON, I agree with you. We are very concerned that Russia may have transferred technology to Iraq that could harm Israel and could harm America, and if we find that that took place, we will impose the required sanctions under the treaty, we will take aggressive action. But, Congressman WELDON, we have no evidence.''

Mr. Speaker, over in my office at 2452 Rayburn, I have two devices. I have an accelerometer and a gyroscope, the heart of Soviet guidance systems that were taken off of Soviet missiles that we caught being transferred to Iraq, not once, not twice, but three times. Every time I travel around the country, and I have spoken to 10 or 15 AIPAC meetings, I have spoken to hundreds of defense organizations, I take my guidance systems.

I cannot tell you where I got them, but I can tell you it was through one of our agencies in this country. And I hold them up, and I say, ''Mr. President, here is the evidence that you said we didn't have.'' In fact, Mr. Speaker, we have over 100 sets of those guidance systems that we captured that were being transferred from Russia to Iraq on those three occasions, and we expect that Russia probably transferred hundreds of other systems to Iraq for the same purpose.

The point is this, Mr. Speaker: If we do not enforce arms control agreements, the arms control agreements mean nothing. This administration has the worst record in the history of arms

control agreements in lack of enforcement.

How about a second situation? The President of Israel at the time, Mr. Netanyahu, came out publicly and said Israel had evidence that Russia was cooperating with Iran in building a new missile system that could directly hit Israel from anyplace in Iran called the Shahab-3 and Shahab-4. Israel came out with this publicly. It was a sensational story. All the Jews in America were upset, all Americans were upset, because here was a respected ally of America saying publicly that they had evidence that there were violations of arms control agreements by Russia giving technology to Iran that could threaten our friends and threaten Americans.

Well, the Congress was livid. Democrats and Republicans joined together. In fact, the gentleman from New York (Mr. GILMAN) joined with Democrats in a bipartisan bill called the Iran missile sanctions bill. That bill was designed to force the administration to impose sanctions on Russia. That is required by the treaty.

But the Congress was so incensed that Democrats and Republicans said they do not get it, we are going to force them. Two hundred fifty Members of Congress in a bipartisan manner endorsed the Iran missile sanctions bill.

The bill was scheduled for a vote on the House floor. Three days before the bill was scheduled for a vote, my office got a call from the White House. We do not get many calls from the White House, Mr. Speaker, for obvious reasons. In this case it was Vice President GORE calling me to invite me to come to the Old Executive Office Building so that he could convince me that the bill was a bad idea.

Well, I respect the Vice President, so I said, sure, I will come down. So I traveled down to the Old Executive Office Building and went into a room where there were Members of the House and Senate from both parties sitting around a table. Let me see now, if memory is corrected, CARL LEVIN was there, JOHN MCCAIN was there, BOB KERRY was there, Lee Hamilton was there, the gentleman from New York (Mr. GILMAN) was there, Jane Harman was there, JOHN KYL was there.

□ 1715

About 14 Democrats and Republicans from the House and the Senate with Vice President GORE and Leon Fuerth, his National Security Adviser. For one hour, they lobbied us not to support the Iran missile sanctions bill. They said, if you bring this bill up on the floor of the House and if you pass it, it will undermine our relationship with Russia and Boris Yeltsin. When the Vice President finished, we said, Mr. Vice President, with all due respect, and we do respect you as a person, there is no longer a confidence in the Congress that you are enforcing arms control agreements and stopping proliferation.

Two days later, in spite of that personal lobbying by Vice President GORE and personal lobbying by President Clinton, this House passed the Iran missile sanctions bill with not just Republican votes. Mr. Speaker, 396 Members of Congress, 396 Members of Congress out of 435 voted to slap the President across the face because he was not enforcing the very arms control agreement he talks about so frequently.

We broke for the Christmas and religious holidays and came back in February of the next year. The Senate was going to take up the same bill, the Iran missile sanctions bill.

I get another call in my office, an unusual call, again from the White House inviting me back to the Old Executive Office Building. So I again went down. The same people were there, the same leaders of the House and the Senate from both parties. We sat around the table. Again, it was Vice President GORE, it was Leon Fuerth, and this time, a member of the National Security Council, Jack Caravelli. For 1 hour and 30 minutes they lobbied us against the Iran missile sanctions bill. They said, you cannot pass this in the Senate. You have passed it in the House; it is embarrassing to us. If you pass it in the Senate, it will cause further harm to our relationship with Russia.

When the Vice President finished, we said, Mr. Vice President, you do not get it. You have not stopped the proliferation. You are not enforcing the arms control agreements. The technology is still going to our enemies, and you are sitting on your hands. We do not want to cause conflict with Russia, but you have armed control agreements to stop proliferation, and if you are not going to enforce them, then these agreements are worthless pieces of paper.

With that, we left the Vice President's office. A week later the Senate voted the bill. Again, Mr. Speaker, the vote was 96 to 4. Mr. Speaker, 94 senators to 4, slapping the President and the Vice President across the face, because they did not get it. Arms control agreements are no good unless we enforce them, and an administration that basis its strategic relationships on arms control, but does not enforce those agreements, has no international security ability, and has no foreign policy. We passed that bill overwhelmingly, and the President had the audacity to veto it.

Mr. Speaker, we could not override the veto that year, there was not enough time, so we came back in this session of Congress; and we passed the bill again in the House and in the Senate. And guess what the President did this time, Mr. Speaker, because he does this so well? He must have went like this, let us see, which way is the wind blowing today. Oh, the polls are showing that I better sign this, or I am going to be embarrassed and they are going to override my veto. So the President signed our Iran missile sanctions bill into law, after opposing it, after lobbying us and saying that we did not need it.

Mr. Speaker, that is why we have a problem. That is why we have nations that are now threatening Israel and our friends in the Middle East that we cannot defend against. Because this administration has allowed the technology to flow like running water down a riverbed. This administration, while not enforcing arms control agreements, has opposed us every step of the way on missile defense.

Now, the President gave us a great speech at Georgetown. He bit his lip, he tweaked his eye and did all of those things that make him so appealing on national television. But he did not tell the truth, Mr. Speaker; and that is the most important thing. He said, we are for missile defense.

Let us look at the facts, Mr. Speaker. Four years ago the President went before the AIPAC national convention. AIPAC is the group that represents the Jews in America who are concerned about issues affecting Israel's security. President Clinton stood on the podium in front of 2,000 Jews at an AIPAC convention, and he pounded his fist on the dais and he said this: I will never let the Jews in Israel feel like they are unprotected from the missiles that Iran and Iraq are now acquiring. I will support the Arrow program that Israel is trying to build.

Well, let us look at the facts, Mr. Speaker. That same year, the administration had requested no dollars for the Arrow program, which comes under my subcommittee. In fact, Mr. Speaker, because I formed a relationship with the Israelis and with the Israeli Knesset on a cooperative bilateral protection capability, we went to the Israelis and to AIPAC and said, how much money should we put in the defense budget for AIPAC? The number for the Arrow program that year did not come from the White House, it did not come from the Pentagon, it came from an inquiry that I made to AIPAC; yet the President said he was supporting the protection of the people in Israel. He also said he was supporting a program called THEL, Theater High Energy Laser, one of the most promising technologies to take out missiles like those being developed by the Iranians and the Iraqis. What the President did not tell the folks at AIPAC that year was that he had zeroed out funding for the THEL program for 3 straight years.

Mr. Speaker, one cannot continue to say one thing and do something else. When the President talked about delaying the deployment of missile defense at Georgetown last week, he failed to mention a few things. He said he was supported. Well, let us look at the facts, Mr. Speaker. I was very careful over the past 6 years in building a case for missile defense to base our case on facts, not rhetoric. I did not agree with the approach that was taken under the Reagan years, when I was not here, of a massive umbrella

that would protect all America. I did not think it could work. That is not what we proposed. We proposed a system that would provide a thin layer of protection against those rogue threats that we know are there today, and that was our basis. We had over 150 classified and public briefings and hearings for our colleagues in this Chamber to learn the facts about the growing threats, to learn the facts about the technology, to learn the facts about what our allies would say.

After all of those briefings and all of those hearings, Mr. Speaker, I worked with my colleagues on the other side to put into place a bipartisan bill. In fact, the gentleman from South Carolina (Mr. SPRATT) was my cosponsor. That bill had bipartisan support. It simply said, we will deploy a missile defense system. Simple phrasing. One sentence. It is the policy of the United States to deploy a national missile defense system. The bill was scheduled for a vote a year ago in March. On the day the bill was coming up for a vote, President Clinton sent a letter, along with AL GORE, to every Member of this body, 435 Members. And the President said this: I oppose CURT WELDON's bill on missile defense. I urge you, Democrats and Republicans, to vote no on H.R. 4.

I knew the President was against missile defense all along. I knew AL GORE was against missile defense all along, so it did not surprise me. In fact, it was exactly what I wanted.

So we convened that day. I had already gone to Moscow with Don Rumsfeld and Jim Woolsey, who was Bill Clinton's CIA director. We had already briefed the Russians on what we were doing; we had already closed the House down for 2 hours and had a classified briefing on this floor where NINE members of the Rumsfeld Commission presented factual information. Mr. Speaker, 250 Members of Congress sat in these chairs with no staff here and heard the briefing that outlined the fact that the threat is here today to America and that we better do something about it. All of that took place.

On the day of the vote, I said this to my colleagues: it is a clear choice today, folks. If you support President Clinton and AL GORE, then vote against my bill. Oppose it. I will respect you, because I will respect you for your convictions of thinking we do not need this system. So vote against it, and we will still be friends. But if you agree with me, if you agree with the CIA and the revised threat assessment; if you agree with Donald Rumsfeld and Jim Woolsey, if you agree with those people who say the threat is here today, then vote for my bill, and vote against the President.

Mr. Speaker, we had a lot of debate that day. When the vote came, the President lost. Mr. Speaker, 103 Democrats voted with me, 102 Democrats voted with Bill Clinton and AL GORE, and all but two Republicans voted with me. The vote was veto-proof; it was overwhelming. Mr. Speaker, 317 Members of Congress said once again to Bill Clinton, you just do not get it, President Clinton. We are going to force you to do something that you have been opposed to. The Senate passed a similar bill with 98 votes.

So guess what the President did, Mr. Speaker? He did what he did on the Iran missile sanctions bill. He read the polls. Well, the Congress is overwhelmingly in favor, and the American people say do it. I better find a way to support that bill, sign it into law, but to politically leave myself an out so I can get out from under this right before the election next year, and that is when he did. He signed the bill into law and unlike Bill Clinton, there was no Rose Garden signing ceremony; and if you know this White House, they do that more than we eat meals. There was no Rose Garden event where people came down and stood behind the President. Very quietly, with no one around, the President signed the bill into law, H.R. 4, because he knew he could not oppose it. We would overwhelmingly override his veto.

So the President said when he signed the bill into law, I will make my decision next year about whether or not we should deploy a system. He said, I am going to make it based on some factors, whether or not the threat is real, what our allied response is, and whether or not it is cost justified, and whether or not the technology is there. And that was the basis of his speech at Georgetown.

So, Mr. Speaker, let me analyze some of the facts in that speech. First of all, Mr. Speaker, the President himself acknowledged in his speech, the threat is here. He said, for the first time, the threat to America is here and it is growing. In 7 years and 10 months, or 8 months of Clinton-Gore administration, never once did they admit that the threat was here and growing. In the Georgetown speech 2 weeks ago, President Clinton acknowledged what we have said for 7 years: the threat is real and it is growing.

The second issue the President raised was, but I am not sure that technology is ready. We need more testing. Now, that was a great statement by the President: we need more testing. For 6 years, Mr. Speaker, this body has been plussing up funds for more testing of missile defense systems each year; in fact, has spent $1 billion each year more than what the President asked for. Now, you know what the President and Vice President did each year? They criticized the Congress when we put more money in for testing. Yet, in the Georgetown speech, the President said, we need more testing.

Now, he cannot have it both ways, Mr. Speaker. He cannot go to Georgetown and say I am for missile defense, I want more testing, even though for the past 6 years, I have opposed the funding for more testing. The President said, the technology is not ready yet. Well, Mr. Speaker, we all know that it is going to take 5 years before we can put a system into place that will meet the challenges of the threats that we see emerging.

Mr. Speaker, the President said, and I quote: ''The technology is not ready.'' Now, that was an absolute distortion. Either he was misinformed, or he lied. Now, why do I say that? Because, Mr. Speaker, over the summer we held hearings in my committee on the Committee on Armed Services where we had the President's experts on missile defense testify. Jack Gansler is one of the highest ranking officials in the President's Defense Department at the Pentagon. He is in charge of acquisition and technology, I think number three in the Pentagon.

□ 1730

Jack Ganzler said in questioning in our committee, and I will provide a copy of it for the RECORD, that when I asked him, ''Is the technology to hit to kill a missile with a missile or a bullet with a bullet, is that technology achievable,'' his answer was, ''In my opinion, the technology is here. We have achieved the technology.''

General Kadish is a three-star general, a very capable leader. He is paid to represent our military in running the program. He is not Democrat, he is not a Republican, he is a paid military expert. He is respected by leaders in both parties.

General Kadish testified before our committee. We asked him, ''General, is the technology achievable to do this? Can we hit a bullet with a bullet?'' General Kadish said, ''In my opinion, the technology is here. We have done it. It is no longer a technology problem, it is an engineering challenge to put the systems together.''

The Welsh report. General Welsh is a retired Air Force general that the Clinton administration hired to survey our progress on missile defense. The Welsh report said unequivocally that the technology is here.

So we had Jack Ganzler, General Kadish, and General Welsh in the Welsh report all saying publicly, there is not a technology problem. What does President Clinton say at Georgetown? ''We have a technology problem.'' Either President Clinton does not listen well, he does not pay attention, or else he lies well, because his three top experts on this issue totally refuted what he said to the American people when he said that the technology was not at hand.

Now, there are challenges. There are engineering challenges. There are challenges to sort out decoys from the real bomb that may be coming in. But those challenges are achievable. In fact, the head scientist for the National Missile Defense Program, Dr. Peller, when he testified before our committee, I asked him, I said, ''Dr. Peller, how hard is it to build a system that can shoot down a missile with another missile?''

He said, ''Congressman, when I worked at Boeing, before I ran this program I ran their Space Station program. The challenge to build a Space

Station is much harder and greater than the challenge I face on national missile defense.''

So all of the experts, Mr. Speaker, refute the comments the President made at Georgetown, yet the President got away with this grand national speech. He also said, ''I am making a decision to delay deployment today because I want to do more testing. I want to make sure it will work.'' The irony is, Mr. Speaker, the only thing that he did by delaying the decision with the Georgetown speech was the contract to begin to build a radar system on an island in Alaska.

That is the only thing we can do right now. The system will not be ready for 5 years. But by delaying the contract to build the radar in Alaska, we cannot do the additional testing that we need. That radar would have helped us better test the system that President Clinton told the American people he wanted more testing of.

Mr. Speaker, sometimes the statements coming out really disgust me because they are not being challenged, because the President can use the bully pulpit to say whatever he wants any time he wants without the benefit of someone else standing up and saying, ''Wait a minute, Mr. President. Let us look at the facts,'' because facts are difficult things to refute.

Now, the President also mentioned that he was delaying the decision on missile defense because our allies and other countries were being offended by what we were about to do. He cited Russia. He said that Russia was against missile defense. Russia will use this against us. China will use it. The European nations are against it.

Let us look at that also, Mr. Speaker, and let us look at the facts. Do the Russians trust us? No. Do I understand why the Russians do not trust us? Yes. Mr. Speaker, one of the other things I do in the Congress, as Members know, is I work Russia issues. My undergraduate degree is in Russian studies. I have been in that country 21 times. I co-chair the Interactive Caucus between their Duma and our Congress, so I am with Russians all the time. In fact, I was with the chairman of the International Affairs Committee just 1 hour ago, Mr. Ragosin from the Duma. I was with six other Russians earlier this morning. I meet with them every day.

Let us analyze why the Russians are upset with what we are doing with missile defense, and let us see if missile defense is the problem or if Bill Clinton is the problem and AL GORE is the problem.

Why would the Russians not trust America? Do they think we are going to try to take them over? Some do. Why would they think that? Are they confused? Yes. Why would they think that?

Let us go back to 1992, Mr. Speaker. Boris Yeltsin was elected president of Russia, a new democratic free market Nation. In one of his first speeches he said ''I challenge America to work together with Russia on developing a missile defense system that could protect both people.''

George Bush was president back then. What was George Bush's response? George Bush says, ''I accept your challenge, President Yeltsin. Let us work together.'' So our State Department and the Russian Foreign Ministry began high-level discussions. They were called the Ross-Mamedov talks, named after the Russian deputy foreign minister and our deputy secretary of state.

They met repeatedly. They were building confidence. They were having success in working together. Then things happened. The elections happened. Bush lost, and Clinton came in in 1993.

Within the first 3 months, what did Bill Clinton do, this man who believes that security is obtainable through arms control agreements alone? He canceled the discussions with the Russians. Without giving the Russians any reason, he canceled the Ross-Mamedov talks.

The Russians said, ''Wait a minute. You said you wanted to work with us, America. Now you are saying you do not want to work with us.'' That was the first bad signal sent by America to the Russians that we do not want their cooperation, that we do not want to work with them.

A second event happened in 1995, 1996, and 1997. We had one cooperative program with Russia on missile defense called the RAMOS project. The RAMOS project is being done by the Utah-Russian Institute in Utah and the Komyeta Institute in Moscow. They have been working together for months and years in developing confidence on a joint system of using two satellites with identical capability, to build confidence that both countries will know when a rocket is launched.

The Russians were very enthusiastic about this program. It had strong bipartisan congressional support. What about the Clinton-Gore team? Without any advance notice to the Russians or to Congress, they announced they were canceling the funding for the RAMOS program.

The Russians started calling me frantically. The former ambassador to America, Vladimir Lukhin, who chairs the Yablakov faction, wrote me a letter. The chairman of the ministry of atomic energy, Mikaelov, wrote me a letter. They said, ''You cannot let this happen. This is terrible. It undermines our relationship.''

Only because Members of Congress joined together, and in this case, the gentleman from Michigan (Mr. LEVIN), joined by myself and Members of both parties, said to the White House, ''Oh, no, you don't. You are not canceling this program. It is too important for the confidence between America and Russia.''

What do Members think the Russians thought? Here in 1993 they cancelled the discussions between our two countries, in 1996 they cancelled the only cooperative program with America. What do Members think they are thinking? They are thinking that for some reason Clinton has some effort to not want Russia involved in missile defense.

Then came 1996 and 1997. What happened then? President Clinton decided that since he is a big arms control fan along with AL GORE, that instead of working to amend the ABM treaty, they are going to tighten the ABM treaty.

What is the ABM treaty? The ABM treaty is a relic of the Cold War. It was important at a time where we had two superpowers, the Soviet Union and America, each able to annihilate the other with their missiles, attacking each other. The theory behind it, which is where it got its name MYAD, was mutually-assured destruction. You attack us with your missile and we will wipe you out, if we attack you with our missile, we will wipe you out, neither side being able to build more than one defensive system around one city. That has been the basis of our relationship.

That treaty worked in the 1970s and 1980s when only two nations had that capability, the Soviet Union and America. How do we justify that treaty in the 1990s and the year 2000, when China now has at least 24 long-range ICBMs, when North Korea has at least two long-range ICBMs, when Iran will have within 5 years long-range ICBMs? How do we justify a theory of mutually-assured deterrence when those nations did not even sign the treaty?

What the President did, instead of working to defend our country, was he sent our negotiators to Geneva. They started meeting in Geneva to make the ABM treaty tighter as opposed to more flexible, a stupid decision on the face of it, but that is what they did.

Many of us in the Congress said, what in the world is the President doing? He and AL GORE have a negotiator in Geneva meeting with the Russians talking about making tighter changes to the ABM treaty. So Mr. Speaker, I did what none of our colleagues did, I went to Geneva. I flew over with a Navy escort. I got permission of the State Department. I said, I want to sit across from the Russians. I want to talk about what is going on here.

They let me, so we flew to Geneva and we went to the site where the meetings were taking place. I met the chief Russian negotiator, General Klotunov. I sat down across from him at a table for 2½ hours. I said, ''General Klotunov, I am a Member of Congress. I really have some questions about these negotiations between your side and our side over the ABM treaty, so can I ask a couple of questions?

''There are two issues evidently you are working on. One is you want to multilateralize the treaty; that is, to make a complicated story simple, you want to take a treaty between two countries, us and the former Soviet

Union, and you want to now include three other former Soviet States, Belarus, Ukraine, and Kazakhstan. So my question to you is, why would Russia want to include Belarus and Kazakhstan on a treaty when they don't have missiles? They gave all their missiles up? Why would you want them to be a player on a treaty where only us and Russia have these missiles, unless you want to expand it to include China or North Korea or these other nations?''

General Klotunov looked me in the eye, and in front of our negotiators and with a recorder taking all this down, said this publicly: ''Congressman WELDON, you are asking that question of the wrong person. We didn't propose multilateralizing the treaty, your side did.''

How in the world and why in the world would America want to make it more difficult to amend a treaty to let us protect our people? That is exactly what we did, Mr. Speaker. And Belarus, with a leader like Lukashenko, who is a crazy man, Belarus could object to a change in the treaty which would benefit us, and Russia could say, ''we agree, but Belarus objects,'' and we could not deal with that issue.

I didn't understand what the President's reasoning was, and therefore I came back and told my colleagues, ''I think this issue is a stupid issue and something we should not be doing with the Russians.'' But we agreed to it with the Russians. Bill Clinton agreed to it, and so did AL GORE.

The second issue I raised to Klotunov was demarcation. That is a long word, and very tough for somebody like me who is just a schoolteacher to understand what it meant. I had to get some people over to brief me. Demarcation was trying to decide what is a theater missile defense system versus national missile defense. For some reason, we picked a speed and a range that made a difference when one was theater and one was national.

If I live in Israel, a small country, a theater missile defense system is a national system, because it protects the whole country. For the State of Pennsylvania, a theater missile defense system really is a broader national missile defense system.

I could not understand how this difference was created. I asked General Klotunov, ''How did you arrive at the numbers that we and you agreed to on demarcation between these systems?'' He said, ''Congressman, that was some very serious discussion between your State Department and our ministry of foreign affairs.''

I said, ''Well, can you share with me the basis of it?'' He said, ''No, it is too complicated.'' I was not satisfied. I came back to our country and asked the military to explain it. They did not have any good answers, or did not want to give them to me, so I did not get a satisfactory answer on that issue until about a year later.

I am sitting in my office, Mr. Speaker, and reading press accounts from newspapers around the world, as I usually do, involving emerging threats to our security. Lo and behold, in a Tel Aviv newspaper I see a story with a headline, ''Moscow offers to sell Israel newest missile defense system.''

I read the story. It talks about a system I had not heard of called the ANTEI 2500, supposedly the best system in the world. I called the CIA, George Tenet. He is a very capable leader. I have a lot of respect for him.

I said, ''Mr. Director, do you know what the system is?'' He said, ''Congressman WELDON, I don't, but we have experts in the agency. Let me get someone to come over and brief you.'' About a week later, an analyst from the CIA comes over to my office to talk about the ANTEI 2500.

I say to him, ''Can you tell me about this system? I know most of the Russian systems. I know about the S300, S400, the system they are building, the SA10, the SA12. What is the ANTEI 2500?'' He says, ''It is a brand new system.'' I said, ''Do we know about it?'' He said, ''Yes, we know about it.'' He pulled out a brochure in English with beautiful color pictures: ''Here, this is for you.''

I said, ''What is this?'' He said it was a marketing brochure in English that the Russians gave out at the Abu Dhabi air show offering to sell the system to any Nation that wanted to buy it. I said, ''How good is it?'' He said, ''If it does what they say it will do, it is the best system in the world. On the back page of the brochure are all the criteria for this system.''

As I read through it and looked at the range, the speed, something clicks in my head. I say, ''Now, wait a minute.'' I looked at the analyst sitting across from me in my office.

□ 1745

The range and the speed of the system are right below the threshold of the demarcation.

He starts shaking his head. He said, ''Yes, Congressman, you are right.''

I said, ''Are you kidding me?'' I said, ''What that means is, then, that we let ourselves get sucked into a negotiation by the Russians where they were building a system that we did not know about that they could market to our friends and our allies, yet we would limit our own ability to go beyond that.''

He said, ''Yes, that is exactly right.''

What a way to negotiate treaties, Mr. Speaker. No wonder this Congress and the other body said we will never support those two changes to the treaty.

But to get back to my original point of the confidence of the Russians. Bill Clinton, as our representative said to the Russians, we support these two changes. He knew he had to take them back, according to our Constitution, and have the Senate give their advice and their consent. That is a requirement that even Bill Clinton cannot get around.

Well, do you know what he did. Because he knew he could not get those two changes through the Senate, he did not bring them out for the Senate to consider for 3 years, for 3 years, after he convinced the Russians that those two changes were acceptable to America, the multilateralization and the demarcation. He left the Russians believing that America would support them.

So when the Russians passed START II just a couple of months ago, the Clinton administration had urged them to include both of those changes to embarrass the Senate. So that what they would not submit to the Senate 3 years ago they included as a part of START II so the Senate would have to vote down START II because those two changes were never submitted separately as required by the Constitution. Well, the Senate is not going to do that.

So for a third time, Bill Clinton convinces the Russians that we cannot be trusted.

Now, why would the President do this? Why would not he call the Russians when there are companies transferring technology? Why would he not be honest with the Russians?

Mr. Speaker, our policy for the past 8 years, under Bill Clinton, with Russia, has been based on the Clinton to Yeltsin personal friendship. That worked for the first 4 years.

As someone who has spent a lot of time in Russia, I supported the approach of helping Yeltsin succeed. I had the same hopes and dreams that all of us had and that Bill Clinton had.

But here is where we fell down. Instead of supporting the institution of the Presidency in Russia, the institution of a parliament in Russia, we supported a person. When that person became a drunken fool surrounded by corrupt oligarchs and bankers stealing money from the Russian people, we were still supporting him, the only people supporting him in the world.

When Boris Yeltsin's cronies were stealing billions of dollars of IMF money, $18 billion that the Russian people were going to think helped them build roads and schools and bridges and community centers, Boris Yeltsin's friends and cronies stole that money and put it in Swiss bank accounts and U.S. real estate investments, and we went like this and like this.

Why would Bill Clinton do that? Because he did not want to embarrass his friend, Boris Yeltsin. When we caught the Russians doing stupid things like allowing transfers of technology to go abroad, we did not want to embarrass Yeltsin. When we caught them working with the Iranians, we did not want to embarrass Boris Yeltsin. When we caught them with the guidance systems to go to Iraq, it was the year Yeltsin was running for reelection.

In fact, we now have a secret cable that Bill Clinton sent to Boris Yeltsin which our colleagues and the American people can get if they buy the book ''Betrayal'' by Bill Gertz. In the back of that book is an appendix. In that appendix is a secret cable now released

that President Clinton sent to Boris Yeltsin in 1996 saying, ''Dear Boris, I will make sure nothing happens to upset your election campaign.''

As a result, Mr. Speaker, the Russian people lost confidence in America. They thought our only purpose was to steal their money, embarrass them, and not be candid with them.

As a result, when Boris Yeltsin was about to leave office this time last fall, his popularity in every poll in Russia was less than 2 percent. Nobody in Russia trusted Boris Yeltsin. Bill Clinton did. Bill Clinton was still his best friend.

Imagine this, Mr. Speaker, and picture this visually, imagine the euphoria in America, in 1992, you have got Boris Yeltsin standing on a tank outside the Russian White House in Moscow, waiving a Russian flag with American flags all around him as thousands of Russians are chanting singing. Now they have overturned communism, and their newest ally and their friend is America. That was 1992.

Shift to 1999, last year in the fall. What is the picture out of Moscow, Mr. Speaker? I remember one picture last fall: 5,000 Russians standing outside of our embassy in Moscow, throwing paint at the American embassy, firing weapons in our embassy, and burning the American flag. It was so bad that our embassy had to tell Americans traveling in Moscow, do not speak English on the street.

That just did not happen, Mr. Speaker. It happened because the Russians no longer trusted who we are and what we were about. That was because this President had a foreign policy that was more like a roller coaster. Things were done to suit the political expediency of both President Clinton and President Yeltsin. That is why the Russians did not trust our movement on missile defense.

In fact, I have friends in Russia. One senior policy analyst who was doing an op ed with me entitled, ''From Mutually Assured Destruction to Mutually Assured Protection.'' The Russians want to work with us. But they have no confidence in who we are as a people because of the policies of this administration.

The President worried about Russian response on the issue of missile defense. What about Kosovo, Mr. Speaker? Let us talk about Kosovo for a moment. President Clinton and Tony Blair went before the American and British people, interestingly enough, 30 days before a big NATO anniversary conference here in Washington a year ago in the spring.

Tony Blair and Bill Clinton said we are going to move NATO in a new direction. We are going to go in to Serbia. We are going to defeat Milosevic who is evil; who is corrupt. We are going to show that NATO has a new role in the world. We are going to bring Milosevic to his knees.

President Clinton said in justifying the use of our young people in Kosovo, when we are done, we are going to find massive graves. There are going to be hundreds of thousands of people who were killed by Milosevic and buried throughout Serbia because of what he has done to people. Well, that is what the President says.

Let us look at what happened, Mr. Speaker. Here we are, the Kosovo conflict is over. The CIA came in and testified before Congress just 3 months ago, and I asked the question, ''How many mass graves did we find because the President said there would be 100,000?''

The CIA said, ''We would never say that.''

I said, ''Well, I know you are not the White House, but how many did you find?''

He said, ''I think we found one grave.''

''Well, how many were in there?''

''Well, we do not know, maybe 1,000, maybe more. We do not know whether they were mass graves or just people buried together.''

So I said, ''Well, the basic justification of the Kosovo war by our President was massive atrocities. Are you telling me they did not occur?''

He said, ''Well, we do not have any evidence of mass graves.''

It turns out, Mr. Speaker, the allies probably killed more innocent people than Milosevic did up until the war started. When the war started, he became more of a madman and killed more people. The bottom line is, Mr. Speaker, after it put America's sons and daughters in harm's way, after spending billions of dollars, after President Clinton going on national TV with Tony Blair, why is Milosevic still in power?

What did we do, Mr. Speaker? Did we fail? Has President Clinton come before the American people and said, I am sorry I failed. Our policy was a disaster.

What about the billions of dollars we spent? What did we accomplish with Kosovo. We killed innocent people. We did not remove Milosevic. Now, it has just turned itself around. Is the ethnic cleansing still going on? Yes. But instead of the Serbs beating up the Kosovars, the Kosovars are beating up the Serbs.

President Clinton does not want to talk about that now because the NATO anniversary celebration is over. They had the parades through Washington. The President and Tony Blair gave their speeches, so we have gone on to other issues.

So what was accomplished in Kosovo? I can think of two things. We managed to alienate the Russians. It is the number one issue on the mind of every Russian how America did not bring Russia in to help solve the Kosovo problem.

The second, we alienated China, because the Chinese are still convinced we hit their embassy deliberately in downtown Belgrade. When the President repeatedly said we did not, they still believed that we did.

The irony of this President's administration relative to our foreign would-be adversaries, China and Russia, is that, in 1992, Boris Yeltsin announced a new strategic partnership, Moscow and Washington together working as one.

In 1999, Boris Yeltsin, as he is leaving office, and President Putin as he went into office in 2000, made different speeches. They announced a new relationship, Moscow and Beijing against America. That is the legacy of Clinton and GORE on international security issues.

The President talks about Russia's response to our missile defense. Cut me a break, Mr. Speaker. The President is just not being honest with the American people.

Should the Russians worry about what we were doing with missile defense? No way. They have the best missile defense in the world. If the Russians really believed that missile defense was not important or we could rely on deterrence, why would they have the only operational AB instrument in the world, and they have it today. The Russians have the world's only operational antiballistic missile system. They have one, and we do not.

Theirs surrounds Moscow, which is where 80 percent of their people live. So with one system, they protect the bulk of their population. Certainly all the people that matter to them are around Moscow. They protect all of them.

Their system has been upgraded three times. So if the Russians really believe in deterence, why do not we tell them to take down their system and be as vulnerable as we are. We in America who could build one system would never choose to protect one city over another. So we have no system.

So the irony is, Mr. Speaker, that the President said he did not go forward because Russia is concerned. Our allies are concerned, when the very reason they are concerned is because of the lack of a vision and the lack of statesmanship on the part of our White House, including our President and Vice President.

Where does this all come down to, Mr. Speaker? Well, what the President did by announcing his decision in Georgetown in his speech is going to cost us more money. The estimates are another $1 billion with a 1-year delay in missile defense, $1 billion that we are going to have to fork over. But more importantly, we are unprotected.

Now, some say, well, it is not going to happen. Let me remind my constituents and colleagues here in the Chamber. In 1991, 28 young Americans, half of them from Pennsylvania, came home in body bags because we let them down. We could not defend against a low complexity scud missile. Will that happen again? Well, I can tell my colleagues, in 1995, in January, because of Russia's problems in their military, when the Norwegians launched the weather rocket, a three-stage rocket for atmospheric sampling, the Russian

system is in such bad shape, they misread the Norwegian rocket launch. They thought it was an attack from an American nuclear submarine.

What did they do? The Russians have acknowledged that, for one of the first times ever, they put their full ICBM system on alert. Well, what does that mean? That meant Russia had 15 minutes, 15 minutes to decide whether to launch a missile against the U.S. or call it off.

Boris Yeltsin has publicly acknowledged, and I will put in the RECORD, there was 7 minutes left, he overruled his Defense Minister Pavel Grachev and the general in charge of his command staff and called off the response.

Imagine that, Mr. Speaker, in January of 1995, we almost had Russia launch an ICBM at America because of a Norwegian rocket launch that they had been told about. What would we have done if that launch would have occurred? We could not defend it because we have no system. Well, we do. We probably sent up a radio signal to wherever the trajectory was of that city and tell them over the radio, you have 25 minutes to vacate your homes, because that is how long it takes for an ICBM leaving Russia to hit America. Twenty-five minutes to move, that is the only protection that we could provide to the American people.

What are we going to do if that happens? If an accident occurs, what do we do, have Putin apologize to us, say, ''Oh, we are sorry. We are sorry you lost 200,000 people in L.A. We are sorry that Atlanta, Georgia got bombed. We did not mean it. It was an accident.''

What do we do if North Korea says, ''We are going to test you, America. We are going to invade South Korea. If you interfere, L.A. is out the door.'' What do we do then, go in and bomb North Korea in advance, or do we wait until they launch their missile and then wonder whether we are going to attack North Korea later. What about the people in L.A.? Who is going to protect them?

Mr. Speaker, this President should not be allowed to get away with what he did. He lied to the American people. Our security is at risk. The same way he lied to the American people in the China technology transfer scandal.

In closing, Mr. Speaker, I was a Member of the Cox committee. For 7 months, we sat through testimony and meeting after meeting with the CIA and the FBI. I saw all the evidence or most of it that the CIA and the FBI have relative to how the Chinese got technology from America.

Mr. Speaker, through all of that evidence that we saw, nine of us, four Democrats and five Republicans, nine decent people voted unanimously, nine to zero that America's security was harmed because of technology that was transferred to China.

Now, the administration would have us believe it was stolen. Wen Ho Lee, the poor man, just got released after 9 months. They said it was stolen. It was not stolen.

□ 1800

It was not stolen. It was a wholesale auctioning off of America's technology.

What did they get in return? They got campaign dollars. The same man going around the country championing campaign finance reform obtained millions of dollars, hundreds of millions of dollars for his campaign committee.

This is not the Republican gentleman from Pennsylvania (Mr. WELDON) talking, Mr. Speaker. I would offer to my colleagues a letter that Louis Freeh, one of the people in this administration with integrity, the head of the FBI, hand picked by Bill Clinton and Janet Reno, Louis Freeh wrote a 90-page memorandum based on a factual investigation by his investigator, Charles Labella.

That 90-page memorandum went to Janet Reno. It is now available. I will give it to anybody that wants it, and they can read it for themselves, in Louis Freeh's own words. What did it say? It said: ''As the FBI Director of America, I have reason to believe that further investigation is warranted because four people may have committed felonies in campaign contributions being received with technology being left out of our country to go to a foreign nation.''

And Louis Freeh named the four people. Who were they? In Louis Freeh's own words: Bill Clinton, Hillary Clinton, AL GORE, and Harold Ickes, who is running Hillary's campaign in New York State.

The scandal of this administration was not Monica Lewinsky. The scandal of this administration was the wholesale auctioning off of America's technology so that Clinton and GORE could get reelected.

And now we have the President giving a speech at Georgetown about how he is making the right decision for us on protecting our people.

The White House should be ashamed. America should be ashamed. And all of us had better look to the facts as opposed to the wink and the nod and the smile.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VITTER). The Chair would remind Members that remarks in debate should not include charges against the President or Vice President.

PRINTING IN THE RECORD FOR THE WEEK OF SEPTEMBER 18, 2000

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that the schedule for the week of September 18 be inserted in the RECORD immediately after the end of legislative business.

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

There was no objection.

BALANCED BUDGET ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I would like for my 5 minutes to be joined by my colleague, the gentleman from Illinois (Mr. DAVIS), to talk about one of the real health care crises that we have.

We are going to hear a lot about health care in the next 8 weeks, issues that we hope to address, the Patients' Bill of Rights, prescription drug coverage. But there is really a more pressing issue out there, and that is the effect of the Balanced Budget Act of 1997 on health care providers.

My colleague, the gentleman from Chicago, Illinois (Mr. DAVIS), and I had a hearing in Chicago on August 28 in which we had providers come testify about the impact of the Balanced Budget Act. And they are serious and they are important.

They are so important that we have come down to the floor to just start the drumbeat of noise so that before we end this legislative session we have some assistance and aid to our health care providers who are really working in the field to address some of the funding shortfalls.

The Balanced Budget Act was passed in order to reduce the deficit and balance our Nation's budget and control health care entitlement spending. I am proud to say that that goal was accomplished but with some unintended consequences, as so happens in legislation.

According to the Congressional Budget Office, the actual reductions brought about by the Balanced Budget Act, including the adjustment in the Balanced Budget Reconciliation Act that we passed last year, 1999, are $124 billion, that is ''billion'' with a ''b,'' more than Congress voted for when we passed the Balanced Budget Act.

We heard a lot of testimony. I would like to quote Allan Gaffner of Utlaut Memorial Hospital in my Congressional district: ''The Balanced Budget Act will cause Utlaut Extended Care Unit to lose revenue totaling $185,000 in 2000. Last year the unit lost an average of $190,000. From 1999 through 2003, the Extended Care Unit is projected to operate with $1 million less revenue than before the Balanced Budget Act was instituted. The total Medicare operating margin of Utlaut last year was a negative 10.8 percent.''

Let me rephrase that.

The total Medicare operating margin, that is our promise to our seniors, we paid our providers 10.8 percent below the cost of providing that service.

I do not see how they survive.

Mr. Speaker, I yield to my colleague, the gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding. Mr. Speaker, I am pleased to be here to share in this Special Order with my colleague from Illinois.

Mr. Speaker, I was pleased on August 28 to cosponsor a statewide hearing on the impact of the Balanced Budget Act on hospitals in the State of Illinois. And they came from all over the State:

from down state, central Illinois, from Chicago, the northern part of the State, the University of Illinois Hospital, Rush Presbyterian, St. Lukes Medical Center, Cook County Hospital, Northwestern University Hospital, Bethany Hospital, the Illinois Home Health Association, the Illinois Nursing Home Association, Community Health Centers, the University of Chicago, Home Health Agencies, the National Hospice Association.

All of them saying essentially the same thing and that is, while they recognize and appreciate the fact that we need to reduce waste and fraud and abuse in the Medicare program, in all of our health programs, in the Medicaid program, the one thing that they also understood is that we have gone too far with the Balanced Budget Act and we have actually cut services in institutions that we cannot afford to cut. We have thrown out in many instances the baby with the bath water.

And so I join with the gentleman from Illinois (Mr. SHIMKUS) and others in calling for another look at the impact of the Balanced Budget Act. We must find a way to save these institutions which are teetering.

I am pleased to join with the gentleman tonight.

Mr. SHIMKUS. Mr. Speaker, reclaiming my time, I would also like to highlight another issue that was raised, which was the intergovernmental transfer issue, which HCFA is going to oppose on States.

HCFA has approved the Illinois program 22 times over the years without any indication there was a problem. Now they are going to promulgate a rule, and it is going to take an additional, and this is an additional more than what has been affected in the Balanced Budget Act, $500 million from the health care delivery system in the State of Illinois.

Ann Patla, who testified before our hearing, said this would be catastrophic and it is a critical issue we need to be concerned of.

I would like to thank my colleague for coming down to the floor. Time is running shy. But we will be back to talk about real health care problems in America, and that is the Balanced Budget Act's impact on health care and also the intergovernmental transfer issue.

The Balanced Budget Act was passed in order to reduce the deficit and balance our nation's budget.

I am proud to say that our goal was accomplished and we are now working with a budget surplus.

However, the BBA resulted in unintended consequences, cutting much more funding out of the Medicare system than was originally intended.

According to the Congressional Budget Office (CBO), the actual reductions brought about by the BBA—including the adjustment in the BBRA of 1999—are $124 billion more than Congress voted for when passing the 1997 BBA.

Dean Harrison from the Northwestern Memorial Hospital:

Approximately 30 percent of the Northwestern Memorial Hospital's patient volume are Medicare beneficiaries, and they account for 37 percent of its patient days due to their longer length of stay. As a result, the BBA cuts in Medicare reimbursement will mean a total loss to NMH of an estimated $65 million over the course of the five-year schedule of reductions. . . . The total negative Medicare margin will double from 1999 to negative 11.6 percent for the year 2000.''

John Buckley, Jr. from Southern Illinois Healthcare:

[The] outpatient reimbursement situation isn't much brighter. Since the BBA was implemented three years ago, the reimbursement has fallen steadily, from 97% of costs in FY 1997 to 89% of costs in FY 2000. . . Without additional BBA relief, out outpatient losses will exceed $1 million.

BBA spending reductions are forcing hospitals to lay off staff, cancel much-needed upgrades of facilities and equipment, and shut down critical services like home health care and other needed programs that cannot be maintained without compromising quality.

Allan Gaffner of Edward Utlaut Memorial Hospital testified:

As a result of the Balanced Budget Act cuts, the Utlaut Rehabilitation Department, which provides therapy services to the Extended Care Unit patients, was reduced to 54 percent. The Utlaut Rehabilitation Department, which previously consisted of 13 staff members, now has only six staff members. The limit on therapy services as covered by the Medicare Skilled Nursing Facility rules is delaying a return to health and greater independence. Rather than receiving as many as two hours of physical occupational and speech therapy services per day, Medicare patients are limited to a maximum of 75 minutes a day.

John Buckley, Jr. from Southern Illinois Health Care:

Access to home health care is suffering in the communities Southern Illinois Healthcare serves. Because of the BBA spending cuts, we are serving 1,000 fewer patients and providing 86,000 fewer home health visits than we did three years ago. On top of that, we've had to lay off 150 staff members. Even with those dramatic cutbacks, we still lost nearly $1.2 million on home health services in FY 2000.

Dean Harrison from the Northwestern Memorial Hospital:

Continuation and expansion of cost control efforts and the elimination of some services have allowed NMH to endure the cutbacks in Medicare thus far. In recognition of the effect the BBA would have on NMH, the hospital's skilled nursing facility was closed in early 1998 due to losses the unit was already incurring and a negative prognosis for its survival under the BBA.

According to HCFA: 933,687 Medicare beneficiaries will lose health maintenance organization coverage in January. Many of these people are left with no other Medicare options.

INTERGOVERNMENTAL TRANSFERS (IGTS)

Illinois hospitals are also very concerned about a rule HCFA is threatening to issue that would restrict intergovernmental transfers by limiting the amount that can be paid to county hospitals and nursing homes under the Medicaid ''upper limit'' rule.

HCFA has approved the Illinois program 22 times over the years without any indication that there was a problem.

The first time state officials were notified that HCFA had concerns was when the agency indicated they were issuing a rule against IGTs.

If the rule is enacted as proposed it would slash up to $500 million in health care funding for low income residents of Illinois. This makes no sense, especially as the number of uninsured Americans continues to skyrocket.

After talking to hospital leaders back home, I am convinced that the Administration should not proceed with a rule that threatens the already fragile health care safety net across the country.

Ann Patla, Director of the Illinois Department of Public Aid:

If this federal regulation is adopted, the loss of funding will devastate the largest health care system in Illinois, operated by Cook County, and will severely impair the State's ability to serve Medicaid participants in all other counties. The State may be forced to: (1) seek repeal of recent health care expansions for the elderly and disabled; (2) retreat from rate reforms that encourage access to preventive and lower cost health care; (3) reduce outreach programs to encourage the use of Medicaid and SCHIP; and (4) substantially cut rates to FQHCs, hospitals, physicians, and other providers who serve Medicaid and SCHIP participants, as well as almost two million uninsured Illinoisans.

If some states are abusing IGTs—by using them to pay for highway repairs or tax cuts, for example—then regulatory changes should be targeted at curbing those abuses.

HCFA's current proposal, however, penalizes states like Illinois which use IGTs to maintain a health care safety net for low income residents.

A rule change, if one is needed, should preserve the legitimate and appropriate use of IGTs to provide health care for low-income persons.

INPATIENT SERVICE REIMBURSEMENTS (H.R. 3580)

BBA reduces Medicare payments for hospital services. Medicare provides payment updates below the marketbasket index.

Over 1998, 1999, and 2000 hospital inflation rates rose 8.2 percent, while the payment updates totaled 1.6 percent.

Below inflation updates coupled with rising costs associated with wage increases, prices per prescription for new drugs, new blood screening techniques, and mandated changes for compliance with administrative simplification and privacy are additional costs for hospitals.

How do we expect hospitals to maintain quality services when their reimbursement rates are so low?

We should pass a reform package that includes legislation to repeal Medicare inpatient update reductions of 1.1 percent scheduled for FY 2001 and FY 2002. To this end, I have cosponsored H.R. 3580, the ''Hospital Preservation and Equity Act.''

Northwestern Memorial Hospital testified:

[H.R. 3580] recognizes that Medicare reimbursement to hospitals does not keep pace with the costs of caring for patients and would repeal the BBA's payment to hospitals for Medicare inpatient services for FYs 2001 and 2002.

Illinois Hospital and HealthSystems Association testified:

Recently the Medicare Payment Assessment recommended that Congress address the inpatient PPS update. MedPAC is the independent body that advises Congress on Medicare payment rates. It's data analysis

show that nearly 35% of the nation's hospitals are operating in the red.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

(Ms. STABENOW addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HURRICANE FLOYD DISASTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on the subject of my Special Order this evening.

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

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, this evening for the first portion of my special order I want to take about 5 minutes to raise an issue.

On the eve of 1 year ago, on almost the same date, one of the most destructive storms ever to hit my State came upon the shores. On September 15, 1999, Hurricane Floyd made landfall at the mouth of the Cape Fear River in North Carolina.

Floyd moved into the interior of my State and over the next couple of days proceeded to dump anywhere from 10 to 20 inches of rain in towns and communities and farm areas in parts of eastern North Carolina. These rains came only 12 days after the region was hit with pounding rains by Hurricane Dennis.

To call the results devastating would be an understatement. Our citizens suffered a full-blown catastrophe of monumental proportions.

Floyd produced the worst flooding in North Carolina history, with water exceeding what has been called the 500-year flood plain.

In North Carolina alone, Floyd was responsible for 7,000 homes being destroyed and 56,000 homes damaged. We can see from this photograph taken only a couple days after the rains as the flood waters had risen a whole town underwater. More than 500,000 people suffered without power for weeks on end. Damage estimates in my State range anywhere from $4.5 billion to over $6 billion.

Many people lost everything that they own. They lost their possessions, their homes, their farms, their cars, their clothing, their sentimental items that we rarely think about until they are gone: wedding photographs, military awards, the children's first report cards, love letters, those kind of things we cannot replace.

Jobs were lost because businesses were too flooded to reopen, making it that much harder for families to rebuild. And worst of all, Mr. Speaker, 506 people lost their lives, most of them due to drowning in fresh water.

I remember driving back to North Carolina that night and running into the storm on my way home. I remember touring the regions in the days that followed and seeing schools, homes, businesses, churches, entire towns flooded, as we see here.

At the peak of the emergency, 235 public shelters housed people. Almost 50,000 people were in shelters. I remember visiting them looking into their eyes and seeing the fear, the desperation, the hopelessness that those people felt. These were the images that no amount of time will ever replace.

In the face of so much destruction, so much suffering, it was inspiring to witness the people and the communities coming together and responding to disaster with the spirit of generosity and cooperation. People from all over North Carolina provided the victims of Floyd not only tangible items, like money, food, and supplies, but also equally important intangible things, their thoughts, their prayers, and their letters of support.

Another precious commodity donated was the time and effort countless thousands of North Carolinians gave. Volunteers aided in evacuation and rescue efforts and cleanups that affected towns and the care and treatment of families that were forced to live in shelters.

In addition, those volunteers provided valuable assistance and support to State emergency management personnel who worked untold hours. They led a valiant effort to respond to the needs of these victims, saving countless lives of people from all across this country and also donated to the cause of recovery.

I am so grateful for the many acts of generosity by my fellow Americans who saw people were hurting and decided to help. Yes, they sent money; but they sent a lot of other things. We even had schoolbooks delivered from as far away as Hawaii by my friend and colleague, the gentleman from Hawaii (Mr. ABERCROMBIE), here in this body.

From the governor to our own State's delegation here in Congress, from Federal agencies to local leaders, the assistance North Carolina received provided absolutely critical help to our people.

□ 1815

One year later, my State is still rebuilding, and we will be rebuilding for months, if not years, to come.

It is the assistance provided by my fellow Americans that made this possible, and as we reconstruct our State we are taking the necessary steps to provide for future disasters. By making our towns and cities more disaster resistant, we can reduce the loss of lives and property and lessen the devastating impact of future storms. If this storm did anything it proved determination and resolve of the indomitable spirit of the people of North Carolina. Our people come by the name Terrell honestly because we stand firm in the face of adversity. If anything knocks us down, we get right back up and fight another day.

Floyd dealt my State a crippling blow; but we are working to put our lives, our homes, our communities and ourselves back together. The people of North Carolina will never forget what happened in those days in September and the months that followed. Floyd has become part of our history, our culture, and our common experience. As Americans do when looking back upon a tragedy of this proportion, we were continually praying for our lost souls, comforting the anguished and distraught, honoring our heroes, rebuilding our homes and communities and looking toward the future.

THE IMPORTANCE OF EDUCATION

Mr. ETHERIDGE. Mr. Speaker, I am joined this evening by a number of my colleagues to talk about an issue of equal importance to this Congress and to our Nation and, yes, to our leadership in the world: Education.

Mr. Speaker, I rise today to talk about the critical needs of school construction, the shortage of teachers, the need to honor our teachers in a way that we have not done before. The critical need for construction in our communities across this country is at a crisis proportion.

I will be joined this evening by a number of my colleagues whom I will recognize in just a moment, who will discuss with me and with my colleagues the specific needs and plans that we have to help address these problems.

First, let me take just a moment to talk about some of the conditions in my congressional district.

Mr. Speaker, I have in my hand this evening a report prepared by the minority staff of the Committee on Government Reform's special investigative committee which is entitled K–3 Class Sizes in the North Carolina Research Triangle Region. The gentleman from North Carolina (Mr. PRICE) and I asked that this be done for our congressional districts, and this report has some startling numbers. It shocked the people in our congressional districts and it

should shock all Americans that care about children and care about the future of America, and we want to talk about that this evening.

Although there is much debate and an awful lot of rhetoric in this town about education, I believe we need to stick to the facts, and here are some of the facts. Fact number one, last year in one of our countries, Wake County, a portion of my district, another portion of the gentleman from North Carolina (Mr. PRICE), over 95 percent, let me repeat that again, over 95 percent of the young children in K–3 were taught in classrooms that exceeded the national goal for classroom size. Across this 13-county region, 91 percent of the children in kindergarten through the third grade were taught in classes that exceeded the 18-person goal.

I went into a classroom in Lee County where a teacher had 29 children in the kindergarten classroom with no help. Five of those children spoke no English and their parents spoke no English. Three only had limited English.

Now, my wife and I, we are fortunate. We have three great children. I would not want 29 children that I had to deal with at any one time in our house. I would have a difficult time. And to deal with young children in kindergarten by yourself with those numbers, one cannot do it; one absolutely cannot teach. They are keeping school. There is a difference between keeping school and teaching school, and that is just not acceptable.

More troubling is the fact that a whopping 42.5 percent of K–3 students in Wake County are in large classrooms of 25 students or more, and I can say that is repeated in a lot of places across this country. Not surprisingly, small class sizes lead to greater academic achievement. If the class size is reduced, academic achievement follows. How do we get there? We are going to talk about that this evening, not only in K–3 but all across America.

The report demonstrates that class size reduction in the early grades is one of the most direct and effective ways to improve educational performance. I really did not need the study to tell me that. I have known that for a long time. Having served as a superintendent for my State schools for 8 years, I knew that before I came to Congress. Sometimes we need a report to verify it, to reinforce it so people will understand it and it gives credibility.

Last month, the U.S. Department of Education reported that my State's high school enrollment will skyrocket by 26 percent over the next decade. We will be the fourth fastest growing State in America. I think California is first; Texas and several others. But it is just tremendous. We are growing rapidly in this country. We have to meet those demands. We now have more children in public schools, 53 million, than at any time in the history of America. We know the problem is only going to get worse. It is not going to get better. We have to deal with it, and local schools need help and they need us in Washington to get together and help. We have an opportunity to do it.

I have a son who taught the second grade, then the fourth grade. Now he is a special teacher. Brian is a great teacher, but one cannot be a good or a great teacher when they are in overcrowded classrooms, poorly lighted, poorly ventilated and all the problems that are associated with it, because in this country we have teachers teaching in converted bathrooms. We have them teaching in closets, in basements and a lot of trailers. I will go into that later this evening, but we have to reach out and use the resources that we have to make a difference for our children.

It is hard to tell a child education is the most important thing they are about and we send them to an old rundown school as they ride by some nice prison or a nice other building. Children do not have to be told. They know what is important.

Mr. Speaker, I would be happy now to yield to my colleague, the gentleman from Tennessee (Mr. CLEMENT), who has joined us this evening, because he has some important things to say. He has been involved in this educational issue all of his career, and we are glad to have him in Congress.

Mr. Speaker, I will now yield to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) for yielding.

Mr. Speaker, I might say to the gentleman from North Carolina (Mr. ETHERIDGE), I am glad he commented on Hurricane Floyd, the flooding in North Carolina. As the gentleman knows, once upon a time the State of Tennessee was part of the great State of North Carolina, and North Carolinians did rise to the occasion, and I would like to say for the Members of the U.S. House of Representatives, everyone wanted to help and assist, knowing that this was a time of emergency; that we needed to come to the rescue of these wonderful people that were having such a difficult time.

I know we are all here tonight, and I am pleased to be here with the gentleman, because I know the gentleman is such a leader in education and in so many other areas, but also our other colleagues, the gentleman from North Carolina (Mr. PRICE), who I have worked with in the past very closely, also the gentlewoman from California (Mrs. CAPPS), and I might say she had a wonderful husband who was a Member of Congress that served so well and ably here, and the gentleman from New Jersey (Mr. HOLT). It is a pleasure to be with all of them to talk about something that is near and dear to my heart, and that is education.

I am a former college president, and I will never forget my first day in Congress. People would come up to me and say, boy, you are a Congressman now. That is really something.

I would say that is right, but the last 4½ years they have called me Mr. President. Well, I am pleased to be a Congressman and still be involved and engaged in education, and I am currently co-chair of the House Education Caucus with the gentleman from Missouri (Mr. BLUNT), who is also a former college president.

I know firsthand the importance of public schools and the value of a good education. Our children from Tennessee and all across the country are back in school again learning. I think it is appropriate for us in Congress to pledge to these students that we will do everything possible to ensure that they receive a quality education in quality schools by quality teachers. We cannot expect our children to reach their potential if school facilities, as the gentleman mentioned, are inadequate; if they do not have access to computers and the Internet or if their teacher is trying to teach in an overcrowded classroom.

I am pleased to join with many of my colleagues on both sides of the aisle in cosponsoring H.R. 4094, America's Better Classrooms Act, which will provide much needed school construction funds. A report issued by the National Education Association found that upwards of $254 billion is needed to accommodate growing school enrollments, fix deteriorating buildings and wire schools to be on the Internet.

The average public school today is over 42 years old. School enrollment is already at a record level and expected to continue to grow, which will lead to further overcrowding and a greater need for modernization. Research shows what parents already know. Students learn best when they are in a safe, modern school with small classes, with 21st century technology. The Federal Government has a responsibility to provide States and localities with financial assistance for education. H.R. 4094 will provide tax incentives to State and local governments to build state-of-the-art classrooms that will make all neighborhood public schools a better place for our children.

In addition, I am pleased to join with my colleagues in calling for adequate funding to be provided in the appropriation bills for school construction and smaller class size initiatives. I sincerely hope that we can find a way to fund these important priorities. If we are to continue to prosper economically, America must have an education policy that provides the best school facilities and smaller classes for all of our children. Modern schools and small class sizes lay the foundation for success, but in today's world of technology and the global economy an education that ends with a high school diploma is simply not enough. A 4-year college degree is increasingly considered the minimum education for a large proportion of high school skills and jobs that people want. An annual income for a person with a college degree is nearly twice that of someone with just a high school diploma.

Unfortunately, the cost of higher education has been a deterrent to many who wish to continue their education. However, this should not be the case. Assistance must be available to make college possible for every student if they want to pursue an education, whether it is a college degree or some other form of education. We cannot afford to let higher education be out of reach of those students who wish and desire to further their education. No student, regardless of socioeconomic background, should be deprived of something as priceless as an education.

The gentleman from North Carolina (Mr. ETHERIDGE) knows and I know that the cost of education is going up and up and up. In 1997, 1998, tuition room and board, $8,000 at the 4-year public colleges and universities. For the private counterpart, it is over $24,000. I know that as a parent having children in college today. During the 1999/2000 academic year, students received more than $65 billion in financial aid. Often the financial aid process can be confusing and overwhelming to parents, students and those involved in higher education and yet financial aid is often the key, not only to higher education but a successful future.

I will tell all of my colleagues what I did last weekend and it really worked. I joined with the Sallie Mae Trust for Education, and I encourage all to do the same thing, in hosting an event in Nashville, Tennessee, on paying for college. This seminar brought together representatives from Sallie Mae, the Tennessee Student Assistance Corporation and representatives from area colleges and universities to discuss with parents and students the availability of financial aid. With over 280 participants, the forum was a wonderful opportunity to share information on financial aid with parents and students. I think parents came away with a better understanding of exactly what kinds of assistance is available through the local, State, and Federal government, private lending institutions and individual schools and how to apply for it.

□ 1830

This kind of assistance is critical in helping our children attend college; however, we in Congress have an obligation as well. If we expect to continue American dominance in the 21st century, we must fund such critical financial aide programs as Pell grants, Perkins loans and Federal work study programs. These initiatives allow millions of students to attend college who otherwise never would.

These are investments whose returns far exceed the outlay. America has always been the land of opportunity for everyone. We simply cannot allow our schools to decay, our classes to spill out into hallways and our colleges to become a privilege enjoyed by a select few. I thank the gentleman from North Carolina (Mr. ETHERIDGE) for giving me the opportunity to fight for education on the floor of the U.S. House of Representatives.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Tennessee (Mr. CLEMENT) for his comments, but, more importantly, for his commitment to education and his hard work.

As we continue in this special order, I am pleased to be joined by the gentlewoman from California (Mrs. CAPPS), my friend and fellow colleague, who has really been a leader in education. She understands the needs of students. She came to this body with her husband. She is a nurse by training. She understands what the need is, and she fought for children to have a decent classroom in California, which is another one of those States that is busting at the seams.

I yield to her for her comments.

Mrs. CAPPS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE), my colleague, for yielding to me. We are going to make this an across-the-country discussion this evening of this issue of such great importance.

Mr. Speaker, I am here this afternoon to discuss an issue of such great importance in my district and across this country: school construction and modernization. Last week, I visited Peabody Charter School in Santa Barbara, California. At Peabody School, students receive a top-notch education. Unfortunately, these students also feel the disturbing effects of overcrowding and inadequate school facilities.

This is a school built for 200 students. Today it has an enrollment of way over 600 students. In an attempt to accommodate, portable classrooms take up precious playground space which should be used so that students can take part in physical activity, an important part of their education. Peabody School is one school in my district, which I am using this afternoon as an example to represent the dozens of overcrowded schools in my district. There are dozens of schools like this school, overcrowded and antiquated, in California and across this country.

It seems rather amazing to me that as we begin this new century in this country, with unparalleled prosperity before us, relatively at peace in the world, that we are allowing our most precious resource, our children, to face their future preparing for it in circumstances that are far from ideal, that in many instances are totally unsatisfactory.

Mr. Speaker, yes, public education in this country, one of our most important hallmarks, is a matter for local control; but I believe these issues are so pressing that there is a role for all of us to play. In my opinion and in my belief, the Federal Government can help to free up needed funds so that local districts can make the decisions they know best for the children in their communities.

And I have here today a letter to our bipartisan House and Senate leadership asking that they allow and encourage the passage of H.R. 4094, the America's Better Classrooms Act before this session of Congress comes to a close.

This letter is signed by over 300 students from Peabody School. I have the letter here. I have two signatures along with mine, and then I have a collection of pages with signatures, second graders, third graders, fourth graders, fifth grade, sixth grade, 300 students in this school. They asked me if I would bring this letter with their signatures; and I told them that I would not only bring it to Congress with me, but that I would carry it with me to the floor and stand here in the well and give their testimony to this House and to the Senate so that we can meet their expectations.

These students were very excited to take part in this process, since overcrowded schools is something they know all about. It is an issue that affects their lives on a daily basis. In signing this letter, Peabody students are really making a statement about their educational environment and helping to improve the lives of future Peabody students. And they are actually speaking for students in their situations across this country.

The America's Better Classrooms Act has bipartisan support and 225 cosponsors. It would provide approximately $25 billion in interest-free funds to State and local governments, for local school construction, and modernization projects. The funding would help schools like Peabody make improvements to classrooms and playgrounds and would help to reduce class size.

Here in Congress, we must set our standards high to ensure that all children have a healthy start. All children deserve to have safe, clean and modern schools to attend each day. And, Mr. Speaker, my friends at Peabody Charter School ask us that we bring H.R. 4094 to the floor for a vote before this session of Congress comes to a close. I thank the students, my friends, for sharing and asking, along with me, for this vote. We owe them the best we can offer them.

The business world, which has helped to bring our economy to the fast pace that it enjoys today, knows the importance of investing in infrastructure, and here our most precious resource, the key to the future and for future economic development, our children, ask nothing less that we pay attention to their surroundings and their learning environment. In doing that, we will assist them in becoming the best that America can be for the rest of this century and on into the future.

I thank my friends at Peabody School. I thank my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), the former superintendent.

Mr. Speaker, I include for the RECORD the following:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 11, 2000.

Hon. DENNIS HASTERT,
House Speaker,
U.S. Capitol, Washington, DC.
Hon. RICHARD GEPHARDT,
House Minority Leader,
U.S. Capitol, Washington, DC.
Hon. TRENT LOTT,
Senate Majority Leader,
U.S. Capitol, Washington, DC.
Hon. TOM DASCHLE,
Senate Minority Leader,
U.S. Capitol, Washington, DC.

DEAR CONGRESSIONAL LEADERS: We are writing to ask for your help with a long standing problem in our schools here on the Central Coast—overcrowding. Before the 106th Congress comes to a close, we ask that you pass H.R. 4094—the America's Better Classrooms Act—an important piece of legislation that would help improve Central Coast students' learning environments.

At Peabody Charter School, students receive a top-notch education, but also feel the effects of overcrowding. Imagine how hard it would be for members of Congress to concentrate and work in conditions similar to those found at Peabody. Unfortunately, overcrowding problems exist in schools across the country, and we know this can have an impact on students education.

H.R. 4094, which has bi-partisan support and 225 co-sponsors, would provide approximately $25 billion in interest-free funds to State and local governments for school construction and modernization projects. This funding would help schools like Peabody make improvements to classrooms, playgrounds and would help reduce class sizes.

We must set our standards high to ensure that all children have a healthy start. All children deserve to have safe, clean, modern schools to attend each day. And so, my friends at Peabody Charter School and I ask that you bring H.R. 4094 to the floor for a vote before this session of Congress comes to a close. The congressional session is coming to an end, but Peabody students have a lifetime of learning ahead and need your help.

Sincerely,

LOIS CAPPS,
Member of Congress.

NICK HILL,
MILAGROS MACIAS,
Peabody Charter School Students.

Mr. ETHERIDGE. Mr. Speaker, I thank my colleague from California (Mrs. CAPPS) for her remarks, and I thank the children. We tend to forget here sometimes that it really is about them. We get to dealing with a lot of weighty issues, and they are important. But in the end, most of us, if we are honest with ourselves, it is really about our children, our other children. And all the issues of security, safety, et cetera is about that, and that is why I introduced the bill early on for school construction.

I am glad to see the kind of structures taken, and I would say to my colleagues that in addition to those 200-some people that signed, the leadership in this body has still refused to bring it up. We have now drafted a letter, and we have over 150 of our colleagues having signed it to go to the President. I hope all the rest of them will sign it by next week, encouraging them not to give in on any issue until we get some school construction money for children across this country.

My friend, the gentleman from New Jersey (Mr. HOLT), has been a real leader. He came here as a teacher. He still is teaching us about the importance of education. I am glad to have him join us this evening in this Special Order, and I yield to him.

Mr. HOLT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE), for yielding to me. I am pleased to be here with the gentleman on his Special Order this evening to talk and focus on school construction and talk about the implications that that has for education overall.

I do thank the gentleman for setting up these Special Orders. The gentleman has been a leader in education, starting with his school board back home and going through his time as State superintendent of schools in North Carolina and then preceding me here in the House of Representatives. The gentleman has been a true leader.

Mr. Speaker, I visited nearly 100 schools in my district; and everywhere I go across the five counties that I represent, I hear from parents and teachers and administrators and students about the problems of overcrowding. It is no wonder the number of school children, certainly in my part of the country and in many other parts of the country, is setting record levels.

We are experiencing what is sometimes called the echo of the baby boom, and there are schools where the student population has doubled in the past 10 years. I can show my colleagues school districts where the kindergarten is twice the size of the 12th grade. We do not have to have higher mathematics to understand the implications of that for school construction.

The classrooms are overcrowded. To alleviate this, many schools are turning to trailers. Trailers may be a temporary solution. In one place in my district, in one school district, in fact, at one school, there are 18 temporary trailers out back, and another three in the school next door and others that will be moved in in coming weeks.

Mr. ETHERIDGE. Reclaiming my time, this gives me an opportunity to really talk about the heart of the issue. We have the gentleman from North Carolina (Mr. PRICE), and if he will join us here we can get into it. When we talk about that, what many people who are not in the school fail to see is we have those extra students in trailers or in closets or wherever, and most cases we do not increase the size of the cafeteria where children eat or the media center or the libraries, as many of us would think of years ago, nor the bathroom where children need to go, all of those extra facilities that teachers need to take. And if they are out in a trailer outside when it rains, what happens to the children? They get wet.

Mr. HOLT. If the gentleman would yield, the students tell me that they get teased because they get wet going back to the classes that they have in the other building, and these trailers are not a cheap solution either. They are expensive to install, expensive to maintain. And what I am struck by is that their long and narrow floor plan makes them really totally unsuitable for instruction.

I asked a teacher, well, what do you do when you need to write on the blackboard, because the students on either wing cannot see the blackboard, and he said, well, he has to talk about word by word or number by number what he is writing on the blackboard and hope they can take it down. That is no way to teach children.

Mr. ETHERIDGE. On that point, reclaiming my time, if I may, I would ask my colleague, the gentleman from North Carolina (Mr. PRICE) to join us. The gentleman and I visited a number of schools, and let me say I appreciate him joining us this evening. Not only has he been a leader in this, but a leader in trying to find us teachers we are going to need to fill those extra classrooms we are going to build, because he has a piece of legislation on it, and he was kind enough to let me join him and be a part of it; and I think the gentleman from New Jersey (Mr. HOLT) is on it also. He has seen this, and he has been a fighter. Not only is he a teacher, but he has taught a lot of us here how important it is for education.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank my colleague for calling this Special Order and for helping us focus our attention here in this critical closing period of the 106th Congress on our education needs.

My colleague, the gentleman from North Carolina (Mr. ETHERIDGE), referred earlier to this study, which the minority staff of the Committee of Government Reform and Oversight has carried out, showing that 90-plus percent of our students in our part of North Carolina are in classrooms of larger than the recommended size. This is children grades K through three, when we know class size matters most.

The gentleman and I took a tour a few days ago to unveil this report. We went to an elementary school in Cary, North Carolina, in my district, and then in Raleigh and then in Wake Forest; and as he has already said, we witnessed the situation there. I must say that the teachers and the students are making the best of the situation. They have made these trailers attractive, and they have made the best of it.

But in some of these schools, the children are eating lunch at 10:15, 10:30 in the morning, and as late as 1 o'clock and 1:30 in the afternoon simply because the central facilities had not caught up with all the additional population of the school occupying these trailers. And the same is true of the bathrooms; the same is true of the athletic facilities. It is unjust in a country as wealthy and as prosperous as ours when we know, when we know beyond a shadow of a doubt that children's ability to learn and teacher's ability to

teach is linked to a decent class size. I just think it is unconscionable that we are not addressing that situation.

□ 1845

I think local and state authorities often are doing the best they can. On this tour with us, we had the county superintendent of schools, we had school board members, we had county commissioners. There is no question we are in this together, and nobody is blaming the other. It is a matter of working together at all levels of government and making the Federal Government and especially the Federal Tax Code a partner in what we need to achieve. It is that kind of partnership we are looking for.

If we can get this legislation on the floor in these closing weeks, I believe we can do great things to bring 100,000 new teachers into the classrooms of America and to expand our schools and to modernize those schools.

Mr. HOLT. If the gentleman will yield. Of course the real purpose of our being here this evening is to call attention to the action that we have yet to take here in the House of Representatives, to call on the leadership to act on these bills.

The school construction bill is a wonderful partnership between the Federal Government and the local school district, and it is applicable not just in schools that are overcrowded because of a booming population, such as in my district. It is also applicable to the school districts where the schools are aging.

Across the country the average age of a school now is well beyond what a business or industry would consider satisfactory for use. It is well into the 40 years for an average school. In New Jersey it is actually closer to 50 years for the average age of schools. We have all heard stories of ceiling collapses, of teachers who put cheesecloth over the vents to stop the lead paint flecks from coming in to the classroom.

Estimates by the civil engineering societies say that school construction is the number one infrastructure need of the United States of America, and to put America's classrooms reasonably up-to-date would have a price tag of several hundreds of billions of dollars.

The school construction legislation that the gentleman from North Carolina (Mr. ETHERIDGE) has presented to us as a companion piece to that that is sponsored by Representatives JOHNSON and RANGEL that would be a great boon to school districts that have aging schools and to school districts where the population is booming and they cannot keep up the construction, have enough construction to keep up with the population, and in the school districts who need to build so that they can have enough classrooms to have the smaller class sizes that are ideal for education.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield just for a moment. I want to underscore something the gentleman said just a moment ago about the way this legislation would work and the fact that decisions about when and if to build would remain under local control.

We are not suggesting, and this is the genius, I think, of the Etheridge proposal and that of the gentleman from New York (Mr. RANGEL), the President has made similar proposals targeting low-income schools and high growth schools. The genuineness of that proposal I think is that it would leave the decision in local hands, it would leave the responsibility about issuing the bonds and raising the funds in local hands, but it would say that through the use of the Federal Tax Code, through giving tax credits to the holders of those bonds in lieu of interest, we are going to let those local authorities stretch those dollars a great deal further. That is a non-intrusive approach that leaves the decision where it should be, but makes the Federal Tax Code the friend of those who would invest in our children and invest in our school infrastructure.

Mr. ETHERIDGE. I think the gentleman is right. We never hear those complaints when it comes to building other things that we allow the Tax Code to be used for. I think that is the secret here. I think the leadership in this House has an obligation to the American people to say we are either for children or we are against them. If they do not bring it up, we know where they stand.

When you have over 225 Members sign a piece of legislation and you cannot get it on the floor of this House, it is obvious that they have decided in their great wisdom that there is not that need. I think that is absolutely wrong.

As the gentleman from North Carolina (Mr. PRICE) and I know, and you mentioned in your district, we were at Joyner Elementary School, and they had a little trailer park out back, literally, and the children were having to go back and forth. They were doing a good job. I remember what Kathleen Marynak, the principal, said. ''We call these our cottages in the woods,'' I believe she said, trying to help the students, but literally they had to walk up a hill, and when it rained they got in trouble.

We went to Wake Forest Elementary and talked to the principal, he was standing there, and he said we have 829 students in a school originally built for 361 students. They added to it, but they had an awful lot of portable facilities there.

It is just not right at this time. The gentleman from North Carolina (Mr. PRICE) is well aware of this and the gentleman touched about growth communities. In Johnston County, a county south of Wake, and it is true of every county around because we are growing, they built a new school and had something like 18 trailers. They moved those off and opened a new school, and they are now back up to eight. It is growing that rapidly. The students have to walk through rain to get there. I remember what Nell Ferguson said. She said we do the best we can. We nurture all we can.

But we get back to the problem that the gentleman from North Carolina (Mr. PRICE) talked about, which is this whole issue of children starting lunch early. If you are a little fellow, I just wonder how many Members of Congress, and, now, we sometimes do not get to eat lunch and I understand that, but every day if you had to go eat lunch at 10, 10:15 or 10:30, and you are in a controlled situation and do not get a snack until you are home at 3:30 or 4, if you are on a bus, I wonder how many adults would like that around here?

Mr. HOLT. Yes, I can imagine. Some days I know what that is like.

I would like to turn our attention to your school construction legislation, because I would like to believe that if my colleagues here understood it, and if the leadership really understood the legislation that the gentleman has put forward, they would not stand in the hallways, they would not block this. It makes such good sense.

I would like to ask my colleague to explain for us why this is not taking away local initiative, the local control of schools? As my colleague, the gentleman from North Carolina (Mr. PRICE), said, part of the genius of this is it allows the local school districts to decide when and what needs to be constructed.

Mr. ETHERIDGE. The gentleman is absolutely correct, because the way it is drafted, the locals only pay the principal back. They determine it. The interest is paid by all of us as citizens in this country. It is not unique, because we do it on other kinds of projects in this country. For some to say it has not been done, it was really done in education right after World War II, some money was appropriated because of the growth.

We are at a time now where we are seeing phenomenal growth, a tremendous economy, none like we have ever seen before in this country, and we not only have an obligation, we have a great opportunity to make a difference and propel this economy at a whole new level.

As we move forward and as we talk about construction, as important as that is, and that is a critical part, we need people to go in those classrooms, the 100,000 teachers, the next installment we are talking about this year. That is going to be a fight before we adjourn, count on it. They want to block grant it.

Well, having been State superintendent, I will share with you what a block grant means, and to my other colleagues. I want Members to understand what we are talking about. It means you use it for whatever you want to use it for.

As a Member of this Congress, if I want it spend it for teachers, and I think the people out there would tell

you it goes for class sizes, put it on teachers, I guarantee you parents will say the same thing. They do not want it diluted.

As we do that, one of the critical pieces we are going to be facing over the next 10 years is replacing all the teachers that have the ability to retire. I think that is a great challenge, one of the challenges. While we are on this, the gentleman from North Carolina (Mr. PRICE) introduced some legislation, and I hope he will share his thoughts on that as we look between the two of you at this whole issue, because having taught, you understand it.

Mr. PRICE of North Carolina. I thank my colleague for referring to this, because it clearly is part of this solution. As we build additional classrooms, as we get children into lower class sizes, especially in the early grades, we are going to need quality teachers to teach those children.

As a matter of fact, we are confronting a teacher shortage in this country, and it is going to get a great deal worse before it gets better. The estimates are we will need to hire 2 million new teachers in the United States over the next 10 years; and in North Carolina, we are going to need to find 80,000 new teachers. Believe me, that is a great deal more than we are producing at the present time.

That is a lot of manpower and woman power we are going to need to bring into the classroom. This 100,000 new teachers proposal of the Presidents is an important down payment on that, and, goodness knows, we should not go home before we do that. I cannot imagine we could do any less than bring on an additional installment of those 100,000 new teachers in the classroom.

But, as my colleague said, we have a piece of legislation that I think is very promising for the long haul, and I would like to commend it to colleagues. These colleagues here tonight have very generously cosponsored this bill, it is H.R. 4143, the Teaching Fellows Act.

This is legislation, just briefly, that would build on some successful State experiences in recruiting and training teachers. We have in North Carolina the North Carolina Fellows Program which takes high school seniors and gives them a scholarship to take them through the 4 years of training to be teachers. But it is so much more than just money, it is not just a scholarship. This cohort of students goes through college with an extracurricular program that solidifies their professional identity and trains them in what it means to be a professional, what it means to serve the community. The retention rate for these teachers, the people who stay with the program after they have done their obligation, is very, very high. This is a State-based program that has worked very, very well, and we would like to take this nationwide. We would like to build on it in North Carolina and see States across the country do this.

There is a second feature to this, and this is something that I think is something new, although in North Carolina we are making a start with our North Carolina model teaching consortium. The idea here is to reach into our 2-year schools, reach into our community colleges and take paraprofessionals, people who may be training as teacher's assistants, and give them the wherewithal and the incentive to go on for that full 4 years, because I think that is an excellent source of teachers. These people are rooted in the community, they are already serving children, and, with an additional incentive and with some work at the institutional level to make sure there is a seamless transition from that 2-year to 4-year program, I think we will have a whole new resource there for our teaching force out of our community colleges.

So those are the two main components, the Teaching Fellows Program for high school seniors and then the Teaching Fellows Partnership Program for students in community colleges. We have a number of cosponsors, a number of people who have indicated an interest in this.

I just think the quality and quantity of our teaching force is probably going to be the dominant public education issue over the next decade, and I believe this legislation could help us prepare for it.

Mr. HOLT. If the gentleman would yield, I would like to underscore a couple of points that he has made about these numbers. The latest numbers I have from the Department of Education say that in the next 10 years we will need somewhat more than 2 million, probably 2.2 million new teachers, just to stay even. This is not to have smaller class sizes, to reach this optimum of 18 students in the early grades, but this is just to stay even with the attrition, the retirement of the teachers and the students that are now in the pipeline.

Where are we going to get these teachers? This raises questions of where we will recruit them, how we will encourage them and mentor them, train them and see that they are treated as the professionals that they are, and how they will get ongoing professional development. I think the gentleman's proposal is a very good one, and that will help in this.

We must at the same time work for smaller class sizes. The President's proposal, he has made this a personal cause, is to get smaller class sizes in the early few years, and I hope we can do that.

Once again we are coming to the end of the appropriations cycle and the money is not there. In the past 2 years the President has been able to succeed in the negotiations with his masterful negotiation skills to get the installments on these 100,000 new teachers. I just hope we will be able, before we go out of session this year, to get the next installment on that.

Mr. PRICE of North Carolina. I think we all have to push toward that end, and I hope we can have a good bipartisan effort on that. There is no reason before we go home that we should not have the next sizable installment of those 100,000 new teachers on the way into classrooms in those early grades across this country, and there is no reason that we should not have this school construction program in place so that local school authorities, who know firsthand what the needs are, can take advantage of this and get those facilities on line.

There has been a lot of talk about whether this Congress is going to go down in history as a high achiever or a low achiever. Right now it is looking more on the low side. What could change that would be for us to catch on fire here in these remaining weeks and do a job for public education.

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Mr. HOLT. Mr. Speaker, if the gentleman will yield, I would also, before we finish this, just commend the gentleman from North Carolina (Mr. ETHERIDGE) for his very attractive tax credit school bond proposal. It would be of great benefit to districts like mine. New Jersey would be able to get on with building a couple hundred million dollars worth of school construction, just in my State, if this legislation goes through. I certainly am doing all I can to advance this legislation, and I thank the gentleman from North Carolina for bringing it forward and for pushing it. There are only a few precious weeks of legislative time left this year, and this is surely one of the most important things that is remaining on our agenda.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield, let me chime in and also thank my colleague from the neighboring district in North Carolina. We have worked together cooperatively on so many things, and there is nothing more important than this. I thank the gentleman for calling this Special Order and for focusing all of our attention on the unfinished business in the days ahead.

Mr. ETHERIDGE. Mr. Speaker, let me thank my colleagues who are still on the floor and others who have left this evening, because we really are serious about this issue. It is an issue that is critical to America's future as we talk in this Special Order about creative solutions to these problems. Certainly school construction is part of it as we invest in a national commitment to educational excellence where schools are accountable to our taxpayers for raising standards and every child has an opportunity to learn. One cannot learn when one is not in the right kind of conditions. Improving education in this country is about creating a classroom environment where children can learn and teachers can teach.

Mr. Speaker, I was in Sampson County on Sunday and dedicated a new school. It was amazing how important

that school, on the outskirts of a small community, identifies a community. Our schools do identify communities. We need to foster a greater connection between students, teachers, and parents. Our schools can do better; and with our help, they will do better, and we have to quit pointing fingers and start joining hands.

Mr. Speaker, it is amazing what a hand is about when we give a helping hand instead of pointing fingers. We are good at pointing fingers around here. One of the best ways we can improve education, as we have talked about this evening, is to help provide for smaller class size, help provide for more teachers, where we can have orderly and disciplined classrooms, where children get the additional attention that is so badly needed.

We have children coming to our public schools to start from a variety of backgrounds, children who are loved; unfortunately, some who are not loved like they should be. Some who are well advanced and others who are not. But teachers try not to differentiate; they love and care for all of them and try to ignite that flame of learning in each child. They can only do it if we give them the help and support they need.

We do need a national commitment to the notion that parents in America have the right to expect that their children will have the best teacher in the world in that classroom. There are places in this country where they absolutely do not have the money; they do not have the resources to do it. They cannot build the buildings, and they cannot hire the teachers. Dagburnit, we ought to be about helping them. That is what America is about. We need to provide support for teachers as they do this difficult, difficult task.

It is a critically important job. It is the most important job we are about in rearing children early. We have had enough teacher-bashing in this body the last few years; and an awful lot of it, I am sorry to say, has come from my Republican colleagues on the other side of the aisle, and that must end and it must end now. We have to come together and help. We are in this thing together. Our children deserve no less. We must make every neighborhood school in this country work, and work as they should.

That is why we are working to help pass H.R. 4094, and that is a bipartisan piece of legislation. I am thankful that we have finally gotten there. It does provide $25 billion for school construction money across the country. A lot of money? Yes. Not nearly enough to get the job done, but enough to get started and say we do have a commitment at the national level; and yes, we are going to be a partner. Unfortunately, this Congress has failed to act, and the leadership has not brought it to the floor to provide our local communities with the assistance they need.

Mr. Speaker, our schools are bursting at the seams. In communities throughout my district and across this country, the flood of student enrollments keep coming, and at the public school level, there will not be and cannot be a sign on the door that says, no vacancy. We can do that in a lot of other schools. Private schools can say, we cannot take anyone else. Colleges and universities can find a way not to accept, but when school opens in September and August and they keep coming as they transfer, they take them, and classes get overcrowded. We must continue to take them and help them. We have to help our schools meet this challenge.

This Congress must take action to help these communities cope with this urgent problem, and we must act this year. We cannot wait another year. For many of these children who will be stuck in trailers, shoved in closets, crammed in the bathrooms and in converted other rooms, gymnasiums, substandard facilities, that is not acceptable in a country that has the resources we have. This country needs to help schools where better order and discipline can foster better learning for all of our children.

Mr. Speaker, I urge this Congress to stop playing partisan games, to lay down our swords and pick up the language of working together and put our Nation's children first. Pass school construction legislation without further delay.

Mr. Speaker, I have written a letter to the President with the gentleman from New York (Mr. RANGEL) and a number of my colleagues insisting that school construction, in any final budget compromise with the congressional Republicans, be the highest priority. More than 150 of my colleagues have joined me; and I trust before early next week, we will have over 200 names, as we have on the bill.

The American people consider this their highest priority. They want to improve education by building new schools, hiring new teachers, reducing class sizes and improving order and discipline in the classrooms so that our children can get the attention they need and learn as they should learn.

Mr. Speaker, again, I want to thank my Democratic colleagues for joining me this evening in this very important Special Order. There are a lot of things we deal with in this body that are important, no question about it. This is the people's House, one of the greatest Nations in the world. But I am here to tell my colleagues that there is no issue that we face on the threshold of the 21st century that is more important to the security of this Nation, to the prosperity that we hope to have in the 21st century, than that we have the resolve and the commitment to do what needs to be done for the children of America.

Mr. HINOJOSA. Mr. Speaker, back in July this body unfortunately rejected a motion to instruct conferees on the FY 2001 Labor/HHS/Education appropriations bill—a motion that insisted on more education funding and dedicated funding for class size reduction and school renovation. Personally, I couldn't believe this motion to instruct failed. I say this because as parents all across America know, our nation's schools are overcrowded.

Children in Texas returned to school in August, and I can tell you that over the past several weeks I have heard again and again from parents talking about the need to address the challenge of overcrowded schools.

Total public and private elementary and secondary school enrollment has continued to rise, from 52.8 million in 1999 to a projected all-time record of 53.0 million this fall. These numbers are projected to rise for most of the century.

The point I simply want to make today is that as the United States embraces these new generations and new arrivals to our schools, we must be prepared to be able to provide a quality education to all students. We must help communities nationwide modernize their schools and we must support class size reduction so that America's children are in an environment where they can realize their full potential. These are smart investments—investments that merit broad bipartisan support.

INTEREST AMERICANS PAY FOR CURRENCY

The SPEAKER pro tempore (Mr. VITTER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for 60 minutes as the designee of the majority leader.

Mr. METCALF. Mr. Speaker, I would like to speak on the topic, Interested in the Interest that Americans Pay for Their Own Currency, and I hope we are. I think we should be.

The interest owed on our national debt to the Federal Reserve System is a disgrace. One day it will be the single largest budget item in our national budget. It ranks number two presently, but not by much. And Americans pay interest also on their currency. I will repeat that. Americans pay interest also on their currency; indirectly, of course, but it is still true.

Currency is borrowed into circulation. Actually, we pay interest on the bonds that needlessly back our currency. The U.S. Treasury could issue our cash without debt or interest as we issue our coins today. Member banks must put up collateral, U.S. interest-bearing bonds, when they place each request for Federal Reserve notes, according to the Federal Reserve Act, section 16, paragraph 2, in the amount equal to that request. The cost to each American is about $100 each year to pay interest on these bonds, or really the cost of renting our cash from the Federal Reserve. So we actually pay a tax on, or a rental fee, to use the Federal Reserve's money. To repeat, our Treasury could issue our currency debt- and interest-free just like we issue our coins debt- and interest-free.

We understand all of this, I think, in that we use Federal Reserve notes to pay most of our bills and taxes. In the Federal Reserve Act, it originally stated in section 16 that these Federal Reserve notes shall be redeemed in lawful

money on demand at the Treasury Department of the United States, or at any Federal Reserve Bank. I am quoting from the act itself. An interesting question is, What is the lawful money mentioned in the original Federal Reserve Act that we will get when we redeem the Federal Reserve notes? That question is never answered.

But here is where the ''money muddle,'' as James Warburg once called it, begins to get really muddy. When we redeem Federal Reserve notes, we get Federal Reserve notes in exchange. That is interesting. When we borrow from our bank, any bank, we do not get Federal Reserve notes in hand; we do not get cash. We open an account at the bank we are borrowing from and receive a bank draft to deposit in the new account that we were made to open when we borrowed the money. Well, not money, per se, but the notes. Today, this is all done through ETF, or electronic funds transfer.

Here is the point to all of this. There are no Federal Reserve notes on hand for us to borrow. According to the Federal Reserve Bank of Chicago, in their publication, Modern Money Mechanics, they state, and I quote: ''Changes in the quantity of money may originate with the actions of the Federal Reserve System, the Central Bank, the commercial banks, or the public, but the major control rests with the Central Bank. The actual process of money creation takes place in the commercial banks. As noted earlier, demand liabilities of commercial banks are money. These liabilities are customers' accounts. They increase when the customers deposit currency and checks, and when the proceeds of loans made by the banks are credited to borrowers' accounts. Banks can build up deposits by increasing loans and investments, so long as they keep enough currency on hand to redeem whatever amounts the holders of deposits want to convert into currency.''

The Federal Reserve Board of Governors sets our interest rates, which then determine the price of money; not the quantity or the amount of money, but the price of money. The quantity of money I will discuss presently. The money aggregates, or the money supply indicators, like M–1 and M–2 used to be utilized in that determination. Interest rates went up; the money supply shrank. Interest rates were lowered, more money or credit really was released to the banks to lend. The money supply went up.

The Federal Reserve Board and its chairman have repeatedly stated that the M–1 and M–2 indicators are out of control and are no longer used in determining Fed policy. What is Fed policy, in capital letters. Well, Fed policy has always been to fight inflation and keep the overall economy going, prosperously going. But inflation, while still a minor concern of the Fed, though I do not agree, is of less concern.

Price stability is the clarion call for Fed policy today. The corporation's price stability, presumably, although one may argue that this would be good for everyone, including consumers; but price stability as the goal only informs us of what the Fed seeks, not how it intends to achieve it.

□ 1915

If not money supply aggregates, M–1 and M–2, then what are the new indicators? It was announced several years ago in the business journals mostly, that the one new indicator, of the many used, is today what is called wage inflation. I shall return to that momentarily, but first we must look at the quantity of money again, not the price of money.

Businessmen, for example, and consumers as well, consider the price of money when they borrow. If interest rates are 7 percent rather than 6, the businessman will make the deal, rather than wait. Consumers often buy at the higher rates, rather than waiting for the price to go down some.

But even with interest rates on the rise, even if with just quarter point increases, the money supply used to shrink. Yet, that is not the case any longer. The Fed now places money in the hands of member banks in what are called repurchase agreements, or repos. It may be placed with the banks overnight, or for 7 days, or for whatever time the board wants. They can roll it over at will. They can reclaim it at will.

The member banks do not have the option to take or not take the funds and they pay interest on these new funds, but as a noted financial adviser stated, the banks only have the right to say, ''Thank you very much, sir;'' in other words, they have no choice in the matter.

Where does this new money go? That is the real point, here. The new money goes almost immediately into the financial markets; the stock market, primarily. It depends on the quantity the Fed pumps into the banks' hands.

Here is a fine example. During the 6-months period just prior to year end, that is, Y2K, Chairman Greenspan expanded the adjusted monetary base dramatically. It is a spike almost vertical on the chart supplied by the St. Louis Federal Reserve Bank.

At certain points, the annual growth rate for a given month was as high as 50 percent. During the entire 6 months it was running at about 25 percent annual growth. This was far outstripping growth in productivity. Billions of dollars were pumped into the banking system, some $70 billion.

Where did the money go? It had to go into the financial markets. No other area of the economy could absorb such an enormous increase so suddenly.

The banks called upon everyone, from brokerage houses to money managers. They were having to give the new money away at ridiculously low rates of return. Most of the new money was loaned into the financial markets, the stock market, and most in the high-tech industry.

Most was pure speculation on margin; that is, much of it by folks who today believe there is no risk any longer in investing in the stock market. This was the real cause for our much acclaimed boom in the market run-up prior to the year end 1999.

Many market participants understood that this was a false boom, an anomaly created out of thin air by Chairman Greenspan's governors. They immediately took their winnings, the profits on the run-up. They paid dearly in capital gains taxes levied, about $70 billion in capital gains taxes.

Curiously, that windfall for the administration matches pristinely with the acclaimed surplus President Clinton immediately took credit for in his wise oversight of the economy.

But if this surplus was real, why did the national debt continue to rise? There is no surplus, is the answer. There was just a sudden windfall in capital gains taxes some argue was orchestrated by Chairman Greenspan.

I would ask the chairman if I were given more time, what did he think would happen when he expanded the adjusted monetary base upwards in such a dramatic fashion? Does he no longer believe Milton Friedman's axiom regarding the reckless increase in the supply of money? Is it not supposed to cause dislocations any longer because of this new economy?

If that is true, then what of the actions of the Fed the week after Y2K? Within 7 days, the Fed policy reversed itself just as dramatically downwards. The Fed repurchased the funds by nearly the same amount over the next several months, beginning with the year 2000.

The dramatic decline in the adjusted monetary base corresponds directly with the violent corrections in the stock market, and especially NASDAQ. Those with less savvy, like so many speculators, gamblers, really, were wiped out. This is no coincidence, but correspondence. This is not just convoluted, but consequences. What did Chairman Greenspan think was going to happen?

Let me quote the chairman from a speech this July 12, 2000, the year 2000, at the appropriately titled ''Financial Crisis Conference at the Council on Foreign Relations.''

''Despite the increased sophistication and complexity of financial instruments, it is not possible to take account in today's market transactions of all possible future outcomes. Markets operate under uncertainty. It is therefore crucial to market performance that participants manage their risks properly. It is no doubt more effective to have mechanisms that allow losses to show through regularly and predictably than to have them allocated by some official entity in the wake of default.''

If that statement were not sufficient to rile a risk-taker as market participant Greenspan goes on to dryly add, ''Private market processes have served

this country and the world economy well to date, and we should rely on them as much as possible as we go forward.''

This is how the Fed managed price stability? Now, let me return to wage inflation. Is wage inflation inflation inflation? As I pointed out above, wage inflation is the newest indicator the Fed looks at in determining fed policy on interest rates.

Members will read in the business pages that the Fed determined that there was no real wage inflation concern, so interest rates remained as they are. Or should there be some indicator that wage inflation is a factor, interest rates may have to be increased.

If Members can understand the relationships, they should be as outraged as I am. Everybody knows that labor is almost always, and everywhere in industry, the number one and always at least number two cost of operations figure for every company, especially the largest monopoly multinationals, and it is the largest multinationals' bottom line that the Fed protects when it talks about price stability. That is a frightening thought.

Price stability is achieved by keeping wage inflation under control. This means nothing short of this: If wages of workers begin to rise, should workers begin to see the benefits of this booming economy, the Fed will raise interest rates, slowing the economy and driving wages down. More workers will lose their jobs, thus driving down wages.

We do this for the corporations' stability in pricing the goods these workers help to produce. And we call this free enterprise, the hidden hand working through our free system?

Let me quote Adam Smith, father of the so-called free enterprise: ''Masters are always and everywhere in a sort of tacit, but constant and uniform, combination, not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action, and a sort of reproach to a master among his neighbors and equals. We seldom, indeed, hear of this combination because it is usual, and one may say the natural state of things. . . . Masters, too, sometimes enter into particular combinations to sink wages of labor even below this rate. These are always conducted with the utmost silence and secrecy, 'til the moment of execution.''

There shall be no more silence on these efforts by our masters. It may be, but it was never intended to be, ''the natural state of things'' to sink wages of labor below their actual rate, not in the United States of America; not where the people, mostly wage-earners, are the sovereigns. This statement is surely a reproach to a master, the Fed master, among his equals, if not his neighbors.

But there is more, much more. Congress has found that Federal reserve notes circulate as our legitimate currency, otherwise called money, issued by the Federal Reserve in response to interest-bearing debt instruments, usually the United States bonds. I already pointed out above that member banks must put out an equal amount of collateral when they request any amount of Federal reserve notes. They pay interest on this amount, too. That is to say, we indirectly pay interest on our paper money in circulation. Whether bonds, loans, et cetera, we pay interest.

The total cost of the interest is roughly $25 billion annually, or about $100 per person in the United States. Over $500 billion in just United States bonds are held by the Federal Reserve as backing for the notes. The Federal Reserve collects interest on these bonds from the U.S. Government, returning most of it to the U.S. Treasury.

The Federal Reserve is paid sufficiently well for all of the services it provides: regulatory, check-clearing, Fedwire, automation, compliance, and so forth. There is no rational, logical reason why Americans must pay interest on their circulating medium of exchange.

Why are we paying interest to the Fed for renting the Federal Reserve notes that we use? Why do we not issue United States Treasury currency that can be issued like our coins are issued, debt-free and without interest?

Donald F. Kettle in his book, one of the better books on the Fed, actually, ''Leadership at the Fed,'' stated, ''Members of Congress were far more likely to tell Federal officials what they disliked than what policy approaches they approved.''

As an understatement of all time, given wage inflation as indicator, John M. Berry in the journal Central Banking stated that FED officials are not all that forthcoming in their policy announcements because they ''prefer to be seen as acting essentially as controllers of inflation, not employment maximizers.''

I do not wish to be seen as one of those Members of Congress that only expresses his displeasure at the Fed policies. I shall therefore propose some solutions as a starting point. It is but one place to begin.

Congress must pass a law declaring Federal Reserve notes to be official U.S. Treasury currency, which would continue to circulate as it does today. The Federal Reserve system, then freed of the $500 billion in liabilities, which the Federal Reserve notes are now considered to be liabilities, but if we freed them from that liability, they would then simply return the U.S. Treasury bonds which backed the Federal Reserve notes to the U.S. Treasury.

That is, if they are holding the notes to back our currency and we declare they are United States Treasury currency, no longer Federal Reserve currency, then they no longer need the backing, and could return some $500 billion in liabilities or in U.S. Treasury bonds back to the Federal Reserve, back to the U.S. Treasury.

This reduces the national debt by over $500 billion, and reduces interest payments by over $25 billion annually, with no real loss to anyone.

Let me repeat that. If we did this, merely declared that the money we use is officially United States Treasury currency, then the Fed could return the $500 billion in bonds that they hold and reduce the national debt by $500 billion, reduce our annual payments by about $25 billion, with no real loss to anyone. We do this while protecting the member banks' collateral they each put up when they requested the notes originally. This is not a complicated proposal, and the rationale behind it is seen by many financial minds of note as logical and doable.

☐ 1930

Then the Fed officials that have devised the monetary indicator called wage inflation should reconsider just exactly who is paying the real price for price stability and report to the Banking Committees of both Houses what indicators they might utilize rather than this horrendous approach, an approach that even Adam Smith denounced over 200 years ago.

Finally, the Fed must restrain the drastic monetary expansions and retractions using the methods described above. For whatever reasoning the Adjusted Monetary Base was inflated, causing the wild speculation in the financial markets just prior to Y2K and the subsequent disaster for so many when the base was suddenly deflated like a child's balloon, this should be subject to the most minute scrutiny.

My intent here was not just to demonstrate my dislike for some of the Fed's policies. I could write a discourse on the area that the Fed has done well. But so many of my colleagues prefer that course, I should seem redundant. In any case, the Federal Reserve Board has more than enough congratulatory praise from various corners that my praise would fall upon deaf ears.

I hope my unapologetic approach may serve to give some pause to these most important issues for all Americans, investors, owners, and workers alike. Clearly the Fed Board and the Fed Chairman especially are the single most powerful individuals ever granted, delegated the most important enumerated powers guaranteed to this Congress by the Constitution. It should be little to ask that they take heed in how they wield that power. If they are going to act like Masters, Fed Masters, then I strongly urge those individuals to rethink some of the policies they put forward and rethink in whose interests they serve.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. RADANOVICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall''.

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station''.

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center''.

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greenville, Tennessee, as the ''James H. Quillen United States Courtouse''.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1374. An act to authorize the development and maintenance of a multi-agency campus project in the town of Jackson, Wyoming.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, September 18, 2000, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10019. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle Regulations; Addition to Regulated Area [Docket No. 00–077–1] received September 7, 2000; to the Committee on Agriculture.

10020. A letter from the Secretary, Department of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general of Lieutenant General David W. McIlvoy, United States Air Force; to the Committee on Armed Services.

10021. A letter from the Director, Office of Management and Budget, transmitting Congressional Budget Office and Office of Management and Budget estimates under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for P.L. 106–246, pursuant to Public Law 105–33 section 10205(2) (111 Stat. 703); to the Committee on the Budget.

10022. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's Final rule—Revisions to the California State Implementation Plan, Sacramento Metropolitant Air Quality Management District—received August 31, 2000; to the Committee on Commerce.

10023. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Establishment of Alternative Compliance Periods under the Anti-Dumping Program—received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10024. A letter from the Duputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's Final Rule—Hazardous Air Pollutants: Amendments to the Approval of State Programs ans Delegation of Federal Authorities—received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10025. A letter from the Chief, Policy and Program Planning, Federal Communications Commission, transmitting the Commission's final rule—Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98–147, Order on Reconsideration and Second Further Notice of Proposed Rulemaking, and Fifth Further Notice of Proposed Rulemaking in CC Docket No. 96–98—received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10026. A letter from the Chairman, Federal Communications Commission, transmitting reports on designs and tests of combinatorial bidding, pursuant to FCC Contracts; to the Committee on Commerce.

10027. A letter from the Associate Chief, Wirelesss Telecommunications, Federal Communications Commission, transmitting the Commission's final rule—Amendment of part I of the Commission's Rules—Competive Bidding Procedures [Docket No. 97–82] received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10028. A letter from the Director, International Cooperation, Acquistion and Technology, Department of Defense, transmitting a copy of Transmittal No. 17–00 which constitutes a Request for Final Approval for a Project Agreement with Sweden Concerning Cooperative Research and Development in Trajectory Correctable Munitions., pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10029. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Singapore [Transmittal No. DTC 89–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10030. A letter from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—2000–2001 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018–AG01) received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10031. A letter from the Program Analyst, FAA, Department of the Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30150; Amdt. No. 2005] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10032. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company AE 3007A and 3007C Series Turbofan Engines [Docket No. 2000–NE–33–AD; Amendment 39–11891; AD 2000–18–06] (RIN: 2120–AA64) received Spetember 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10033. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30177; Amdt. No. 424] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10034. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendment [Docket No. 30148; Amdt. No. 2003] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30174; Amdt. No. 2006] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30176; Amdt. No. 2008] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10037. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; Aerospatiale Model ATR42–300, –300, and –320 Series Airplanes [Docket No. 97–NM–270–AD; Amendment 39–11883; AD 2000–17–0–09] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10038. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300–600, and A310 Series Airplanes [Docket No. 2000–NM–54–AD; Amendment 39–11892; AD 2000–18–07] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10039. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Kaman Model K–1200 Helicopters [Docket No. 2000–SW–32–AD;

Amendment 39–11895; AD 2000–18–10] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10040. A letter from the Program Assistant, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211–524D4 Series Turbofan Engines [Docket No. 2000–NE–23–AD; Amendment 39–11888; AD 2000–18–03] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10041. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 99–NM–183–AD; Amendment 39–11890; AD 2000–18–05] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10042. A letter from the Program Assistant, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Cocoa Patrick AFB, FL, and Class E5 Airspace: Melbourne, FL [Docket No. 00–ASO–32] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10043. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 99–NM–75–AD; Amendment 39–11816; AD 2000–14–07] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10044. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models A65, A65–8200, 65–B80, 70, 95–A55, 95–B55, 95–C55, D55, E55, 56TC, A56TC, 58, 58P, 58TC, and 95–B55B (T42A) Airplanes [Docket No. 2000–CE–53–AD; Amendment 39–11887; AD 2000–18–02] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10045. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900–AJ89) received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10046. A letter from the Chief, Regulations Unit, Department of Treasury, transmitting the Department's final rule—Special Rules Reguarding Optional Forms of Benefit Under Qualified Retirement Plans [Doc. TD8900] (RIN: 1545–AW27) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10047. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Lessee Construction Allowances for Short-term Leases [Doc. TD 8901] (RIN: 1545–AW16) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10048. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest [Notice 2000–46] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10049. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—2000 National Pool [Rev. Proc. 2000–36] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10050. A letter from the Secretary of Health and Human Services, transmitting the third annual report on the Temporary Assistance to Needy Families (TANF) program; to the Committee on Ways and Means.

10051. A letter from the Secretary, Department of Energy, transmitting a report that the Department of Energy will require an additional 45 days to transmit the implementation plan for addressing the issues raised in the Defense Nuclear Facilities Safety Board's Recommendation; jointly to the Committees on Armed Services and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2267. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes; with an amendment (Rept. 106–846). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2752. A bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes; with amendments (Rept. 106–847). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4521. A bill to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes; with an amendment (Rept. 106–848). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4096. A bill to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes (Rept. 106–849). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 238. A bill to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed; with an amendment (Rept. 106–850). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 1349. A bill to amend title 18, United States Code, to combat the over-utilization of prison health care services and control rising prisoner health care costs; with an amendment (Rept. 106–851). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2883. A bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States; with amendments (Rept. 106–852). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 4870. A bill to make technical corrections in patent, copyright, and trademark laws; with an amendment (Rept. 106–853). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4404. A bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes: with an amendment (Rept. 106–854 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform discharged. H.R. 4404 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4404. Referral to the Committee on Government Reform extended for a period ending not later than September 14, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FLETCHER (for himself, Mr. HERGER, Mr. ARCHER, Mr. SHAW, Mr. NUSSLE, Mr. CRANE, Mr. GARY MILLER of California, Mr. LEWIS of Kentucky, Mr. KUYKENDALL, Mr. TANCREDO, Mr. CAMP, Ms. DUNN, Mr. HAYWORTH, Mr. ENGLISH, Mr. SAM JOHNSON of Texas, Mr. PORTMAN, Mr. RAMSTAD, and Mr. GREEN of Wisconsin):

H.R. 5173. A bill to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, 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. THOMAS (for himself, Mr. BOEHNER, Mr. EHLERS, Mr. NEY, Mr. MICA, Mr. EWING, Mr. LINDER, Mr. STUMP, Mr. BUYER, and Mr. HOYER):

H.R. 5174. A bill to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and House Administration, 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. OXLEY (for himself, Mr. BOEHLERT, Mr. HOLDEN, Mr. CRAMER, Mr. BLILEY, Mr. STENHOLM, Mr. SHIMKUS, Mr. LIPINSKI, Mr. GREENWOOD, Mr. CONDIT, Mr. SHERWOOD, Mr. BARCIA, and Mr. UPTON):

H.R. 5175. A bill to provide relief to small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, 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:

H.R. 5176. A bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 5177. A bill to establish the Administrative Law Judge Conference of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BALLENGER (for himself and Mr. OWENS):

H.R. 5178. A bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself, Mr. MCGOVERN, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, Mr. MOAKLEY, Mrs. NAPOLITANO, Mr. FILNER, Mr. GUTIERREZ, and Ms. MILLENDER-MCDONALD):

H.R. 5179. A bill to amend the Fair Labor Standards Act of 1938 to limit the number of overtime hours of licensed health care employees; to the Committee on Education and the Workforce.

By Mr. BASS (for himself, Mr. FRANKS of New Jersey, Mr. HORN, Mrs. MORELLA, and Mr. BEREUTER):

H.R. 5180. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. BOSWELL:

H.R. 5181. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of computer software that filters child pornography and material that is violent, obscene, or harmful to minors; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Ms. MCKINNEY, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. COSTELLO, Mr. PHELPS, Mr. GONZALEZ, Mr. OWENS, Mr. RUSH, Mr. DAVIS of Illinois, Mr. MARTINEZ, Mr. LIPINSKI, Mr. FILNER, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. HILLIARD, Ms. JACKSON-LEE of Texas, Mr. NADLER, Mr. MEEKS of New York, Ms. CARSON, Mr. BROWN of Ohio, Ms. LEE, Mr. KUCINICH, Mr. ABERCROMBIE, and Mr. BLAGOJEVICH):

H.R. 5182. A bill to protect day laborers from unfair labor practices; to the Committee on Education and the Workforce.

By Mr. LAMPSON (for himself, Ms. JACKSON-LEE of Texas, and Mr. CRAMER):

H.R. 5183. A bill to authorize the National Aeronautics and Space Administration to lease, jointly-develop, or otherwise use a commercially provided inflatable habitation module for the International Space Station; to the Committee on Science.

By Mr. MOORE (for himself, Mr. STENHOLM, Mr. BERRY, Mr. TANNER, Mr. MINGE, Mr. SANDLIN, Mr. PHELPS, Mrs. TAUSCHER, Mr. SISISKY, Mr. HOLDEN, Mr. TAYLOR of Mississippi, Ms. DANNER, Ms. SANCHEZ, Mr. THOMPSON of California, Mr. BOYD, and Mr. LUCAS of Kentucky):

H.R. 5184. 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 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. PETERSON of Minnesota (for himself, Mr. QUINN, Mr. PHELPS, Mr. HOUGHTON, Mr. CROWLEY, Mr. UPTON, Mr. BOEHLERT, Mr. ABERCROMBIE, Mr. WU, Mr. LARSON, Mr. SHERMAN, Mr. LAFALCE, Mr. CAPUANO, and Mr. LAMPSON):

H.R. 5185. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such Act to employers and employees in similarly situated industries, to give such employers and performers the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself and Mr. JOHN):

H.R. 5186. A bill to amend the Public Health Service Act to establish scholarship and loan repayment programs regarding the provision of veterinary services in veterinarian shortage areas; to the Committee on Commerce, and in addition to the Committee on 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. POMEROY:

H.R. 5187. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture.

By Mrs. THURMAN:

H.R. 5188. A bill to amend the Missing Children's Assistance Act to extend the applicability of such Act to individuals determined to have a mental capacity less than 18 years of age; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado (for himself, Mr. WHITFIELD, Mr. STRICKLAND, Mr. GIBBONS, Mr. KANJORSKI, Mr. DUNCAN, Ms. KAPTUR, Mr. WAMP, Mr. KLINK, Mr. JENKINS, Ms. BERKLEY, Mr. GORDON, Mr. CLEMENT, Mr. HALL of Ohio, Mr. LUCAS of Kentucky, Mr. PHELPS, and Mr. BROWN of Ohio):

H.R. 5189. A bill to provide for the payment of compensation for certain individuals employed in connection with Federal nuclear weapons programs who sustained occupational illness in the line of duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and 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. WEXLER:

H.R. 5190. A bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes; 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. WEYGAND:

H.R. 5191. A bill to provide for the convening of a White House Conference on United States Energy Policy to develop a national energy policy; to the Committee on Commerce.

By Mr. WEYGAND:

H.R. 5192. A bill to amend titles XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program; to the Committee on Commerce.

By Mr. ISTOOK (for himself and Mr. PALLONE):

H. Con. Res. 400. Concurrent resolution congratulating the Republic of Hungary on the millennium of its foundation as a state; to the Committee on International Relations.

By Mr. GEJDENSON (for himself, Mr. GILMAN, Mr. ROHRABACHER, Mr. LANTOS, Mr. BROWN of Ohio, Mr. BERMAN, Mr. HOLDEN, Mr. DEUTSCH, Mr. SESSIONS, Mr. MCNULTY, Mr. SHERMAN, Mr. DIAZ-BALART, Mr. ANDREWS, Mr. BLILEY, Mr. SOUDER, Mrs. LOWEY, Mr. WEXLER, Mr. SCHAFFER, Mr. WU, Mr. CAMPBELL, Mr. DOOLITTLE, Ms. PELOSI, and Mr. BILIRAKIS):

H. Con. Res. 401. Concurrent resolution expressing the sense of the Congress regarding high-level visits by Taiwanese officials to the United States; to the Committee on International Relations.

By Mr. KUYKENDALL (for himself, Mr. CUNNINGHAM, Mr. HANSEN, Mr. ABERCROMBIE, Mr. MURTHA, Mr. DOYLE, Mr. LARSON, Mr. BALDACCI, Mr. CROWLEY, Mr. GREEN of Texas, Mr. FOSSELLA, Mr. NORWOOD, Mr. WATKINS, Mr. THOMAS, Mr. OSE, Mr. CONDIT, Mr. TAYLOR of Mississippi, Mr. SISISKY, and Mr. SKELTON):

H. Con. Res. 402. Concurrent resolution recognizing the importance of the Selective Service System on the occasion of the 60th anniversary of the United States' first peacetime military registration effort and the continued need for American men to register for possible service in the Armed Forces; to the Committee on Armed Services.

By Mr. HALL of Ohio (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. SMITH of New Jersey, and Mr. LANTOS):

H. Res. 577. A resolution to honor the United Nations High Commissioner for Refugees (UNHCR) for its role as a protector of the world's refugees, to celebrate UNHCR's 50th anniversary, and to praise the High Commissioner Sadako Ogata for her work with UNHCR for the past ten years; to the Committee on International Relations.

By Mr. SCHAFFER (for himself, Mr. BARR of Georgia, Mr. DEMINT, Mr. GREEN of Wisconsin, Mr. GARY MILLER of California, Mr. PAUL, Mr. TANCREDO, Mr. RYUN of Kansas, Mr. MCINTYRE, Mr. BUYER, Mr. LARGENT, Mr. SOUDER, and Mrs. WILSON):

H. Res. 578. A resolution congratulating home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting and ensuring a brighter, stronger future for this Nation, and for other purposes; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. CONDIT, Mr. GUTKNECHT, Mr. MCCOLLUM, Mr. HOUGHTON, Mr. STUPAK, and Mr. ABERCROMBIE.

H.R. 303: Mr. BOEHLERT.

H.R. 453: Mr. NEY and Mr. DELAHUNT.

H.R. 531: Ms. BALDWIN.

H.R. 568: Ms. VELAZQUEZ.

H.R. 583: Mr. RYUN of Kansas.

H.R. 776: Mr. FRANK of Massachusetts.

H.R. 804: Mr. HOBSON.

H.R. 827: Mr. BORSKI.

H.R. 842: Mr. BUYER.

H.R. 1032: Mr. BOEHLERT.

H.R. 1044: Mr. SANDLIN.

H.R. 1168: Mr. CHAMBLISS.

H.R. 1300: Mr. BARR of Georgia.

H.R. 1577: Mr. GOODLATTE.

H.R. 1592: Mr. LAMPSON.

H.R. 1671: Mr. BOEHLERT, Mr. LOBIONDO, Mr. BARRETT of Nebraska, and Ms. LOFGREN.

H.R. 1841: Mr. DAVIS of Florida.

H.R. 2003: Mr. SHAYS.

H.R. 2066: Mr. BENTSEN.

H.R. 2166: Mr. SABO, Mr. FLETCHER, Mr. LARSON, Mr. LATOURETTE, Mr. KUCINICH, Mr. GONZALEZ, Mr. KOLBE, Mr. BRADY of Pennsylvania, Mr. BLUMENAUER, Mr. PASTOR, Ms. CARSON, Mr. KILDEE, Mr. MASCARA, and Ms. MCCARTHY of Missouri.

H.R. 2308: Mr. LEVIN and Mr. CAMP.

H.R. 2341: Mr. HILLEARY, Mr. BORSKI, Mr. MOORE, Mr. SIMPSON, Mr. MCCOLLUM, Mr. BEREUTER, Mr. WAMP, Mr. WICKER, Ms. ROS-LEHTINEN, Mr. SKEEN, Mr. BOSWELL, and Mr. BACHUS.

H.R. 2420: Mr. ACKERMAN, Mr. LEWIS of California, Mr. CROWLEY, Mr. BERRY, and Mr. TANCREDO.

H.R. 2492: Mr. QUINN.

H.R. 2631: Ms. BERKLEY.

H.R. 2706: Mrs. MALONEY of New York.

H.R. 2710: Ms. PRYCE of Ohio, Mr. OXLEY, Mr. MCGOVERN, Mr. NETHERCUTT, and Mr. SHAYS.

H.R. 2720: Mr. FRELINGHUYSEN.

H.R. 2780: Mr. BILBRAY and Mr. HAYWORTH.

H.R. 2867: Mr. HALL of Texas.

H.R. 2870: Mr. BISHOP, Mr. SERRANO, and Ms. RIVERS.

H.R. 2907: Ms. PELOSI.

H.R. 3161: Mr. OLVER and Mr. MORAN of Virginia.

H.R. 3219: Mr. BARR of Georgia.

H.R. 3327: Mr. WU.

H.R. 3408: Mr. MCCRERY, Mr. LAHOOD, and Mr. HOSTETTLER.

H.R. 3633: Mr. PETERSON of Pennsylvania and Ms. MCKINNEY.

H.R. 3700: Mrs. THURMAN.

H.R. 3710: Mrs. JOHNSON of Connecticut, Mr. BORSKI, Mr. LIPINSKI, and Mr. DAVIS of Florida.

H.R. 3766: Mr. REYES, Mr. RANGEL, and Mr. MCINTYRE.

H.R. 3842: Mr. GEORGE MILLER of California, Mr. CLYBURN, Mr. SMITH of New Jersey, Ms. RIVERS, Ms. PELOSI, Mr. METCALF, Mr. BASS, Mr. NETHERCUTT, Ms. DELAURO, Mr. BONIOR, Mr. SANDLIN, Mr. MCINTYRE, Mr. EDWARDS, Ms. ROYBAL-ALLARD, Mr. SKELTON, Mr. GUTIERREZ, Ms. BROWN of Florida, and Mr. INSLEE.

H.R. 4025: Mr. GILCHREST, Mr. STUMP, and Mr. SOUDER.

H.R. 4041: Mr. HOLT.

H.R. 4042: Mr. HOLT.

H.R. 4046: Mr. GILMAN, Ms. LOFGREN, and Mr. WEINER.

H.R. 4144: Ms. CARSON.

H.R. 4215: Mr. BACHUS.

H.R. 4219: Mr. FRANKS of New Jersey, Mr. SMITH of New Jersey, and Mr. MCINNIS.

H.R. 4257: Mr. ENGLISH, Mr. SANDLIN, and Mr. MCINNIS.

H.R. 4277: Mr. ALLEN, Mr. UPTON, Mr. JENKINS, Mr. DIAZ-BALART, Mr. DEAL of Georgia, Mr. KIND, Mr. INSLEE, and Mr. SHERWOOD.

H.R. 4278: Mr. BOYD.

H.R. 4302: Mrs. LOWEY.

H.R. 4324: Mr. SIMPSON and Mr. HILL of Montana.

H.R. 4328: Mr. BACA, Ms. BALDWIN, and Mr. HORN.

H.R. 4330: Mr. BEREUTER, Mr. SMITH of New Jersey, and Mr. MCNULTY.

H.R. 4375: Mrs. LOWEY.

H.R. 4393: Ms. GRANGER, Mr. GREEN of Wisconsin, and Mr. BARTON of Texas.

H.R. 4395: Mr. MALONEY of Connecticut.

H.R. 4428: Mr. MCGOVERN and Mr. GREEN of Texas.

H.R. 4495: Mr. STUMP, Mr. PASCRELL, Ms. DANNER, Mr. PRICE of North Carolina, and Ms. HOOLEY of Oregon.

H.R. 4543: Mr. WAMP and Mr. SPRATT.

H.R. 4547: Mr. EHLERS, Mr. MILLER of Florida, and Mr. SANDLIN.

H.R. 4548: Mr. JENKINS, Mr. OSE, and Mr. GARY MILLER of California.

H.R. 4552: Mr. GREEN of Wisconsin.

H.R. 4624: Mr. BISHOP, Mrs. MALONEY of New York, Mr. NADLER, Mr. TOWNS, and Mr. SERRANO.

H.R. 4649: Mr. NADLER, Mr. MALONEY of Connecticut, and Ms. DANNER.

H.R. 4723: Mrs. JOHNSON of Connecticut and Mr. FOSSELLA.

H.R. 4728: Mr. BARTLETT of Maryland, Mrs. CLAYTON, Mr. CUNNINGHAM, Mr. PETERSON of Pennsylvania, Ms. DUNN, Mr. THOMPSON of Mississippi, Mr. RODRIGUEZ, and Mr. GONZALEZ.

H.R. 4773: Mr. PICKETT.

H.R. 4780: Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. CANADY of Florida, and Mr. HUTCHINSON.

H.R. 4792: Mr. TIERNEY.

H.R. 4794: Mr. HOEFFEL.

H.R. 4825: Mr. CAMP, Mrs. LOWEY, Mr. BOSWELL, Mr. RYUN of Kansas, Mr. MCHUGH, Mr. BEREUTER, Mr. COSTELLO, and Mr. SHIMKUS.

H.R. 4841: Mr. BEREUTER.

H.R. 4898: Mr. MATSUI, Mr. FROST, and Mr. SANDLIN.

H.R. 4902: Mr. HALL of Texas.

H.R. 4926: Mr. BARCIA, Mr. BECERRA, Mr. BISHOP, Mr. BONIOR, Mr. CLEMENT, Mr. CROWLEY, Mr. FORBES, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HILL of Indiana, Mr. HINOJOSA, Mr. HOYER, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KIND, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. MATSUI, Mrs. MEEK of Florida, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. OXLEY, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SHERMAN, Mr. SHOWS, and Ms. VELAZQUEZ.

H.R. 4927: Ms. BERKLEY.

H.R. 4935: Mr. SANDERS and Mr. STUPAK.

H.R. 4949: Ms. DELAURO and Mr. BONIOR.

H.R. 4966: Mr. HOEFFEL, Mr. MORAN of Virginia, and Mr. ANDREWS.

H.R. 4972: Mr. BOEHNER.

H.R. 4976: Mr. KNOLLENBERG, Mr. SWEENEY, Mr. TIAHRT, Mr. KOLBE, Ms. DELAURO, Ms. BALDWIN, Mr. BILIRAKIS, Mr. GONZALEZ, Mr. KASICH, Mr. MCCRERY, and Mr. LARSON.

H.R. 5035: Mr. LIPINSKI.

H.R. 5051: Mr. MINGE.

H.R. 5074: Mr. FORBES and Mr. WELDON of Pennsylvania.

H.R. 5109: Mr. HILLEARY, Mr. ISAKSON, Mr. GALLEGLY, and Mr. RODRIGUEZ.

H.R. 5118: Mr. LOBIONDO.

H.R. 5153: Mr. RAMSTAD.

H.R. 5163: Mr. BARTON of Texas, Mrs. MYRICK, Mr. SANDLIN, Mr. MCNULTY, Mr. BEREUTER, Mr. LEWIS of Kentucky, and Mr. PHELPS.

H.R. 5164: Mr. DINGELL.

H.J. Res. 47: Mr. EDWARDS.

H.J. Res. 60: Mr. BILBRAY.

H.J. Res. 64: Mr. SHAYS.

H.J. Res. 100: Mr. STUPAK and Mr. KIND.

H. Con. Res. 58: Mr. MEEHAN.

H. Con. Res. 271: Mr. TIERNEY.

H. Con. Res. 273: Mr. MCHUGH.

H. Con. Res. 306: Mr. SABO, Mr. DAVIS of Florida, Mr. SERRANO, Ms. BALDWIN, Mr. LEVIN, Ms. LOFGREN, and Mr. SCARBOROUGH.

H. Con. Res. 311: Mr. HOSTETTLER.

H. Con. Res. 337: Mr. INSLEE.

H. Con. Res. 346: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 364: Mr. WOLF, Mr. GORDON, Ms. PRYCE of Ohio, Mr. NORWOOD, Mr. DEFAZIO, Mr. FORBES, Mr. BLUMENAUER, Mr. TERRY, Mr. STENHOLM, Mr. LEWIS of Kentucky, Mr. CAMP, Mrs. MINK of Hawaii, Mr. SANFORD, and Mr. HOSTETTLER.

H. Con. Res. 382: Mr. WOLF.

H. Con. Res. 390: Mr. CAMPBELL, Mr. BRADY of Texas, Mr. HUTCHINSON, Mr. BARTON of Texas, Mr. SANDLIN, Mr. FROST, Mr. FRANK of Massachusetts, and Mr. SISISKY.

H. Res. 213: Mr. LUCAS of Oklahoma.

H. Res. 347: Mr. FRANKS of New Jersey, Mr. MCGOVERN, and Mr. HOLT.

H. Res. 537: Mr. KLECZKA, Mr. BOYD, Mr. EVANS, and Mr. MENENDEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 654: Mr. LAFALCE.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

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Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Father Damian Zuerlein, Our Lady of Guadalupe, Omaha, NE.

PRAYER

The guest Chaplain, Father Damian Zuerlein, offered the following prayer:

In the presence of the God who called the universe into being we pray:

God of infinite wisdom and constant compassion, we call on Your Spirit to open our hearts to hear You. We know that You always accompany us no matter where our journeys lead. For You are the God not only of this moment; You are the God of forever. Today may Your love grace the Members of the United States Senate, their staffs, and all who work with them.

O God, may they help complete the work You have begun in our country. May a spirit of mercy, wisdom, and gentleness flow through them that will bring healing where there is hurt, peace where there is violence, justice where there is alienation, hope where there is despair, and beginnings where there are dead ends.

Waken in them, O God, gratitude for Your gifts, mystery in the mundane, welcome for strangers, love for every living thing, praise for You. May they always walk with God, live in God, and remain with God this day and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

FATHER DAMIAN ZUERLEIN

Mr. HAGEL. Mr. President, first, before we get on to today's schedule, I wish to commend my friend, the guest Chaplain, this morning. Father Damian is extended best wishes and thanks from this body. Father Damian and I share a few things in common. One is we graduated from the same high school just a few years apart—actually, Mr. President, many years apart. Father Damian had the unenviable task of trying to redefine the standards that my brothers and I debased at St. Bonaventure High School and Scotus High School in Columbus, NE—not an easy task but one that he achieved with great dignity and success.

We are very proud of Father Damian for many reasons. He is pastor of two Catholic parishes in Omaha—St. Agnes and Our Lady of Guadalupe in south Omaha.

Mr. President, you know a little bit about ethnic areas, coming from Colorado. Father Damian has done as much to bring the Hispanic community of Nebraska—indeed, middle America—together as any one individual I have known in the last few years, and he has done it with remarkable ability, with common sense and truth. People respect him not just because he wears the Lord's uniform but because he has done it the right way; he brings respect and dignity to all whom he touches; he conveys that as he deals with people. We are very proud of what he has been able to accomplish in our community and across the Midwest, aside from being nationally recognized for his achievements with many recognitions and honors. We are very proud to have him among us this morning.

And again, on a personal note, it is wonderful to see Father Damian after making the trek to Washington. Under the able tutelage of our resident Chaplain, Dr. Lloyd Ogilvie, I know he has learned much this morning.

Mr. REID. Mr. President, will my friend from Nebraska yield for a moment?

Mr. HAGEL. Yes.

Mr. REID. I think it is appropriate to say in front of the good priest that people in Nebraska are well served by the two Senators who come from Nebraska. I am sure he is very proud of the work Senator HAGEL and Senator KERREY perform for Nebraska in the Senate.

Mr. HAGEL. I thank the Senator. As a matter of fact, as the Senator knows, there was a little reception and party for my distinguished senior colleague, Senator KERREY of Nebraska, last night. Father Damian was able to participate and extend his long arm of justice and spiritual guidance over that gathering, even in the midst of some bandits who attended. The real coup de grace of last night's event was the distinguished senior Senator from New York toasting our colleague, Senator KERREY—an old Navy toast. I observed that I never believed that serving in the Navy was a particular virtue, but nonetheless he was toasted with the Senator's eloquent remarks.

I thank the Senator.

SCHEDULE

Mr. HAGEL. Mr. President, today the Senate will resume consideration of H.R. 4444, the China PNTR legislation. Under a previous agreement, there are 10 amendments remaining for debate. Those Senators who have amendments on the list are encouraged to work with the bill managers on a time to complete debate on their amendments. Senators can expect votes on amendments to occur throughout today's session. Also, under the agreement, there

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are up to 6 hours of general debate remaining on the bill. It is hoped that action can be completed on this important trade bill by late this week or early next week.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4444) to authorize the 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.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of N.H.) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting (divisions 1 thru 5).

Hollings amendment No. 4134, to direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10–K reports.

Hollings amendment No. 4135, to authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit.

Hollings amendment No. 4136, to authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit.

Hollings amendment No. 4137, to condition eligibility for risk insurance provided by te Export-Import Bank or the Overseas Private Investment Corporation on certain certifications.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENTS NOS. 4118 AND 4121, WITHDRAWN

Mr. REID. In an effort to expedite this legislation, I ask unanimous consent that amendments Nos. 4118 and 4121 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Russ Holland, a fellow in my office, be granted floor privileges during the consideration of H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that 30 minutes of the time controlled by the Democratic leader, Senator DASCHLE, with respect to this legislation be under the control of the Senator from Iowa, Mr. HARKIN; further, that the additional 10 minutes of morning business time be designated to be controlled by the Senator from Florida, Mr. GRAHAM, that that be done this morning; and following Senator GRAHAM, Senator KENNEDY be recognized for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. May I ask unanimous consent that after Senator KENNEDY, Senator CRAIG would be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Wait a minute, Mr. President. I was told to be here at 11 o'clock. We have these amendments. We are trying to give everybody 10 minutes here or there, so I am starting, instead of 11 o'clock, I guess we are going to 11:30, quarter to 12, and we are trying to get through these amendments. I am trying to move to the State-Justice-Commerce appropriations bill.

So what is the disposition here? What do the managers of the bill wish?

The PRESIDING OFFICER. There was an order that each leader have 10 minutes for morning business. That was ordered from last night.

Mr. HOLLINGS. Very well.

Mr. REID. Mr. President, if I could say to my friend from South Carolina, the schedule has been delayed this morning, of course, because of the speech by the Prime Minister of India, and we got started much later than we anticipated. Senator GRAHAM has been seeking an opportunity for quite some time to be able to speak on an issue that is very important to him, as has Senator KENNEDY. So the time agreements will just have to start when we finish the morning business.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I thank the Chair.

PRESCRIPTION MEDICATION

Mr. GRAHAM. Mr. President, prescription medication is one of the most significant issues before the family of America. Unfortunately, the family is hearing most of this through 30-second television ads. These ads tend to be long on rhetoric and short on substance.

I hope the Senate can serve its national purpose as a great deliberative body by bringing some deeper focus on an issue which affects, in the most intimate way, tens of millions of our citizens. I hope I can contribute to this by a series of floor statements on different aspects of this important national issue of prescription medication, especially for older Americans.

Older Americans often must take their medicine on a daily basis. It is important that the Senate also get a daily dose of reality of life for those older Americans. I invite my colleagues with similar or differing perspectives to join me so we can have a daily discussion on this important issue. I am pleased today to be joined by my colleague, Senator KENNEDY, and invite others to join.

We have before the Senate the opportunity to achieve a broadly shared objective—reforming Medicare. Many of my colleagues have discussed Medicare reform in the context of administrative changes and organizational restructuring. While there is certainly merit to that discussion, I believe the most fundamental reform that must be made to the Medicare program is changing Medicare from a program that is based on acute care, illness, treatment after the fact, and to move it to a program that emphasizes prevention, wellness, and the maintenance of the quality of life. That is the fundamental reform we must make in Medicare.

To accomplish this shift we must first recognize that the face of health care has changed dramatically since the inception of Medicare in 1965. Thirty-five years ago, America's health care system was almost wholly reacting. Patients sought help from chronic conditions that flared up, or waited to see a doctor when acute conditions hit or if they had a serious accident. Their care was typically delivered in hospitals. Medicare responded to this acute care, hospital-based health care system.

The fundamental reason the program was structured as such was based on the fact that most Americans lived only a few years after they reached retirement. As we know from our colleague, Senator MOYNIHAN, the original rationale for 65 as the basis of retirement was the fact that date was set in Europe at the end of the 19th century when the average life expectancy of a European male was only 62. There was a high degree of cynicism in the selection of that date. That date has continued to be an important part of our culture. Only a few decades ago the average American could only expect 7 years of life expectancy after they reached 65. Today the average American has almost 20 years of life expectancy after they reach the age of 65, and by the end of this century an American can expect almost 30 years of life expectancy after attaining the age of 65.

We must reform Medicare to assure that today's seniors can spend that gift of years living healthy, productive lives. This can be done if we make an investment in prevention care, which

includes screening, early intervention, and the management of the conditions which are detected through those early interventions.

The Medicare program should treat illness before it happens. New preventive screening and counseling benefits of the Medicare program give us that opportunity. The U.S. Preventive Services Task Force and the Institute of Medicine have recommended to the Congress that we add new preventive screening and benefits to the Medicare program. These benefits will address some of the most prominent underlying risk factors for illness that face all Medicare benificiaries. These include coverage for medical nutrition therapy for seniors with diabetes, cardiovascular disease or renal disease, screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, screening for vision and hearing, expanded screening and counseling for osteoporosis, and screening for cholesterol.

In addition to adding to our current relatively short list of preventive efforts within Medicare, we need to change the basic structure of how Medicare goes about determining when a new preventive methodology is both medically appropriate and cost effective. Today we rely upon the conventional congressional process to add new prevention methodologies. What I believe we should do is to establish a scientific nonpartisan basis to arrive at these determinations. I suggest we assign this responsibility to the Institute of Medicine and direct that institute conduct ongoing studies of prevention methodologies to assess their scientific validity and economic cost effectiveness. When they make such a determination, they should submit it to Congress, and Congress, using a fast-track process, as we typically do in trade matters, would make a determination either to accept or reject but not to modify those recommendations made by a scientific panel. I believe that approach would assure us that we would be providing to our older citizens the most modern scientifically tested means of maintaining a high standard of living.

It is critical that we assure Medicare beneficiaries, both present and future, those most appropriate health care possibilities. By making preventive care the cornerstone of Medicare reform, we can do just that.

This discussion of a new Medicare, a Medicare focused on wellness, reminds me of an anecdote. A man walks into the doctor's office and the doctor says: I have both good news and bad news. The good news is that because we have done a screening process we have detected your disease early and we have the opportunity to prescribe the medicines and other medical treatments to stop its spread and reverse its adverse effect on your health. The bad news is you cannot afford the medicine to do this.

Sadly, this is not a joke. The list of diseases that were once fatal and are now preventable is long and growing. Years ago, people with high cholesterol could almost count on developing heart disease. Today, cholesterol levels can be kept in check with a number of drugs. One of those is Lipitor, a widely prescribed drug for high cholesterol. This drug has an average yearly cost of nearly $700. As with many other near-miracle drugs, Lipitor is too expensive for many seniors. Yet Medicare, the Nation's commitment to take care of its elderly and disabled, does not cover Lipitor or most other outpatient drugs. Medicare will, however, pay for the surgery after the heart attack which that man is likely to have because he was unable to treat his condition while it was still subject to management.

That policy may have made sense in 1965 when the man would only live a few years after retirement. Are we prepared in the year 2000 to tell an American who reaches 65 and has an average of almost 20 years of life expectancy that we are going to treat them only after they have a heart attack; that is the point when we are going to provide access to the means of managing a health condition?

I will soon address the critical link between prescription medications and preventive medicine. Prevention and prescription drugs are a key to a modern health care system for our Nation's seniors. This Senate should contribute to delivering that key, and do it now.

SENATE AGENDA

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

First of all, I commend my friend and colleague from Florida on an excellent presentation and one that commends itself to the common sense of all of us in the Senate.

The fact is the Medicare program was built upon the existing programs in 1965. Since that time, we have discovered the importance of preventive health care—how important it is in keeping people healthy and how important it is for actually saving Medicare funds over a long period of time. The Senator from Florida has indicated a pathway we might follow to deal seriously with these issues. We should not have to explain to this body that for every $1 we spend for immunizations, we save $8 to $9 by preventing disease.

I admire and am a strong supporter of the administration's series of recommendations for preventive care. The Senator from Florida has outlined a process and system where we can finally take action on these recommendations.

The bottom line is the Budget Committee doesn't take into consideration the savings from preventive care so this body has been extremely slow in enacting these programs. But these preventive measures make a great deal of sense. They make sense for ensuring good quality health care for the families of this country, and they make sound economic sense. I certainly agree with the Senator that along with preventive care, we ought to understand the importance of prescription drugs. I think what he has outlined today is enormously important for us to consider.

I will take a few moments to move beyond this very excellent presentation into what the challenge is for all of us in the Congress over these next 5 weeks. There is time, I believe, to take action on a good prescription drug program. We have, now, two different systems which have been offered to the American people. The first is the proposal that was advanced initially by President Clinton and is now enhanced by Vice President GORE. The proposal has been changed—not really dramatically—but I think it has been more carefully attuned to the needs of Medicare enrollees than the alternative which has been presented by Governor Bush.

I hope even in the short time that remains—when we conclude the action on trade issues we still have more than 3 weeks of Senate time—I hope we can still take action on a minimum wage. Every Member of this body knows that issue well. We know what is before us. We ought to take action on the Patients' Bill of Rights. We have a bipartisan effort to try to do that. There have been some suggestions and recommendations in order to accommodate some of those who voted against this previously. We now, hopefully, will gain support for those proposals.

Finally, and very importantly, the other remaining issue which is of vital importance to seniors is a prescription drug program. Let me mention quickly some of the concerns I have about this program and some of the advantages that I believe are in the Vice President's program.

The Vice President's program is built upon Medicare. We have heard on the floor of the Senate the Medicare system is a one-size-fits-all program. The fact is that seniors understand Medicare. They support Medicare. They understand there have to be some changes in the Medicare program but, nonetheless, it is a tried, tested process and it is one which offers the necessary flexibility.

What has been proposed by the Vice President is a prescription drug program that goes into effect a year from now, and is gradually phased in over a period of time. The seniors of this country would have a benefit for prescription drugs a year from now. I think that is very important and one of the most compelling parts of the Vice President's program.

The alternative is the proposal offered by Governor Bush. I read here from the Governor's own proposal. It says in his proposal that effectively it will be a block grant program that will in effect ensure low-income seniors do not have to wait for overall reform.

Our seniors ought to have some pause, because he is talking about

overall reform of the Medicare system. That ought to bring some pause. We do not really know what overall reform is. I think most seniors would say: We have confidence in the Medicare system. We want a program that will get the benefits to us quickly.

He says that low-income people will not have to wait for the overall reform. We are not sure what that really means. To have your prescription drugs covered, Governor Bush will establish the immediate helping hand which will provide $48 billion to States for 4 years to deal with low income seniors. So it will be 4 years before 27 million seniors will be able to participate because there are 27 million seniors who do not fall within Governor Bush's definition of those who need an immediate helping hand. Those 27 million seniors will wait 4 years—and then wait for the overall Medicare reform. The Vice President's plan goes into effect 1 year from now.

Second—and I think enormously important—is what we call the guaranteed benefit. This is very simple. A guaranteed benefit means the doctor will make the decision on your prescription drug needs. When seniors go in—whatever their condition, whatever their disease, whatever their problem—the doctor makes the recommendation as to what prescription drug is needed. That is fundamental. That is the guaranteed benefit.

That is not true with regard to the Governor's proposal. It will be the HMO that the individual is enrolled in that will decide. We will find that the HMO will make the decision about what prescription drugs are covered—whether it will be the only drug on the HMO's formulary, or whether other kinds of prescription drugs will be permitted to be used.

That is interesting, is it not, Mr. President? Most seniors want the doctor to make the recommendation. This underlies the basic difference between our two parties on the prescription drug issue.

We are for the Patients' Bill of Rights so doctors are allowed to make health care decisions. We want to make sure that doctors are going to make decisions about prescription drugs rather than turning this right over to the HMO.

Finally, what is being established under the Gore proposal is very clear. The government and the Medicare beneficiary will have a shared responsibility in paying for prescription drugs. There will not be any deductibles. There will be a premium, and half of the premium will be paid for by the Federal Government.

Under the Bush proposal, we do not know what the HMO is going to charge. There is no prohibition against a deductible and we do not know what the copayments will be. We have no idea what the premium will be. The Governor says the government will pay 25 percent of whatever the premium is, but there is no assurance to seniors that there is not going to be a sizable deductible in that program. The size of the deductible is a mystery.

Under the Vice President's program, we can give assurance today that when the program goes into effect, as part of the Medicare program, whatever that senior citizen needs, if the doctor prescribes it, that senior citizen will get it.

Those who are opposed to Vice President GORE's program, who support the Governor's proposal, cannot make that claim. They cannot tell us what the premiums are going to be over a period of time because they are not spelled out, at least in the papers that have been made available.

The only thing that we know—which causes many of us a great deal of concern—is that after 4 years, after overall reform of the Medicare system, then there will be a program for prescription drugs. That is a long time to wait. That is a very long time to wait. What I have found in my State is that people want a prescription drug program and they need it now.

The PRESIDING OFFICER. The Senator's 8 minutes have expired.

Mr. KENNEDY. Mr. President, the final points I want to make are that 70 percent of Medicare beneficiaries, more than 27 million seniors, will not even be eligible for Governor Bush's immediate helping hand program.

Finally, the nation's Governors have already rejected the block grant approach. Republican and Democratic Governors have said: This will be a massive administrative nightmare for our States; we do not want the responsibility even if it is going to be funded. We can understand that.

We have an important opportunity to make a difference for our seniors with a good prescription drug program. Let's reach across the aisle. Let's join forces. Let's try to get the job done before we recess. The opportunity is there. We are willing to do that, but we need to have a response from the other side and a willingness of the Republican leadership to try to get the job done.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Idaho has 10 minutes.

Mr. CRAIG. Mr. President, while I came to the floor to speak on another issue, before I do that, I want to respond to the remarks of the Senator from Massachusetts.

There is a very real difference between what Vice President GORE is talking about and Gov. George Bush is talking about. Senator KENNEDY has effectively outlined it today. Senator KENNEDY said let the Government run your health care; let the Government make your choices; let the Government control the process.

The seniors of America do want choice. They want the same kind of health program Senator KENNEDY has and this Senator has. They want choice, and they want flexibility in the marketplace. That is the kind of program we are talking about offering them.

I cannot imagine we would want another federalized health care program where the Government tells the senior community of our country what kind of prescription drug they will get and where they will get it.

Those are very real differences that I am afraid were avoided in the comments this morning.

FALN CLEMENCY

Mr. CRAIG. Mr. President, I came to the floor to talk about a significant date in this Nation's fight against terrorism. This week marks the Clinton-Gore administration's decision to jeopardize American lives by surrendering to one of the most violent terrorist groups ever to operate on this country's soil.

One year ago this week, President Clinton opened the jailhouse doors for 11 members of a terrorist group known as the FALN, which is dedicated to the violent pursuit of Puerto Rican independence. The FALN has claimed responsibility for some 130 bombings at civilian, political, and military sites in the United States. In all, the group murdered six Americans and maimed, often permanently, 84 others, including law enforcement officers.

On one occasion, members attacked a Navy bus in Puerto Rico killing two sailors and wounding nine others. As a result, 16 members of this violent terrorist group were convicted of dozens of felonies against the United States, and as soon as these 16 were in prison, the bombings stopped.

I note that these violent terrorists were convicted of at least 36 counts of violating Federal firearms control laws. So at the same time the Clinton-Gore administration was demanding more gun control—and we have heard it for hours and hours on end on the floor of the Senate and certainly the White House has spoken openly for gun control over the last number of years—not only were they failing to enforce current gun laws already on the books, but when those laws are enforced, they brush aside felony convictions as a political favor to their friends.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. CRAIG. Mr. President, I yield to the Senator from Oklahoma for a moment to speak specifically about how this administration has mishandled the gun control laws of our Nation.

Mr. INHOFE. Mr. President, I will add to my friend's thoughtful analysis. This is yet another example of the President's apparent lack of concern for the rule of law. All year long, the administration has berated the Republican majority for not doing enough on controlling gun violence. Yet at the same time, by releasing these terrorists, he has set aside 36 specific Federal firearms convictions pertaining to:

Possessing an unregistered firearm;

Possession of firearms during the commission of seditious conspiracy;

Transport of firearms with intent to commit seditious conspiracy;

Possession of firearm without a serial number;

Conspiracy to make destructive devices.

Let there be no mistake, these were not people merely exercising their first amendment right of freedom of speech. They are responsible for the deaths of six Americans and the injury of at least 84 others.

One has to wonder why the administration will not simply enforce existing law. The record shows the Clinton-Gore administration has not enforced Federal gun laws, and more disturbing, they have conveniently forgotten the law if it suits their political ends. I believe the President's efforts for these terrorists were just that.

Mr. CRAIG. Mr. President, I thank my colleague from Oklahoma. He so clearly spells out the frustration Americans have when we are going to be tough against terrorism and then see a President offering clemency.

In 1982, the FALN detonated four powerful bombs in New York's financial district and demanded better treatment for 11 of their jailed comrades and members. One year ago this week, President Clinton freed 8 of those 11, shredding the longstanding policy of the United States of not granting concessions to terrorists.

Any reasonable American has to ask, Why would the President do it? What is he doing setting violent terrorists free to once again roam the streets of America? None of these terrorists contested the evidence brought against them at trial. None of these terrorists apologized to their victims. In fact, at least one of the freed terrorists stated that he felt no remorse whatsoever for his crimes. None of these terrorists were ever asked to be let out of prison. The FBI asked the President not to do it. The Federal Bureau of Prisons asked the President not to do it.

Had he bothered to ask the victims of the FALN and their families, they would have begged him not to do it. He did it anyway, and we are not quite sure why.

Internal White House documents tell us, ''The Vice President's Puerto Rican position would be helped,'' clearly demonstrating an impulse to jeopardize public safety for political gain. Political gain by setting terrorists loose.

A former political adviser to President Clinton put it this way:

> Anyone who doesn't believe the timing, and the likely substance of [President Clinton's] decision was linked to the [First Lady's] courtship of New York's large Puerto Rican [community] is too naive for politics.

If there is one thing this administration has accomplished in its 8 years, it is to shatter my naivete or my trust that when the President stands up and speaks, that there is not some political or clandestine motive behind his very actions.

One year later, what do we have? Eleven violent terrorists at large on our streets; two more to be released this coming year. True, there have not been any killings that we can link to the terrorists since that time, but they are loose on the streets of America demonstrating at least that this President has violated a cardinal rule in our country: the United States does not make concessions to terrorists.

For that action, one year ago today, Democrats and Republicans stood on this floor and condemned this deplorable act. Interestingly, when I began to look into this, I saw that AL GORE's running mate Senator JOE LIEBERMAN stood up to the President and condemned his actions. Even the First Lady stood up to the President and condemned his actions. Just about the only politician in Washington who has yet to stand up to Bill Clinton is Vice President AL GORE.

As Vice President of the United States, AL GORE could have intervened. He could have talked to the President, said that this is madness to let terrorists loose after they have been convicted, to shred gun control laws. But AL GORE did not lift a finger to protect the FALN's next victims. All he said was, quote:

> I'm not going to stand in judgment of his decision.

Not going to stand in judgment? When a madman killed 168 people in a single bombing in Oklahoma City, AL GORE said, and I quote:

> [T]o those of you who doubt our resolve in America, listen closely. If you plot terror or act on those designs, within our borders or without, against American citizens, we will hunt you down and stop you cold.

I guess what he is saying is: Bomb innocent Americans, and AL GORE will stop you cold. But if you use small bombs, and you only kill a few Americans, and you fit our political needs, then we will release you.

Mr. Vice President, maybe it is time you stand up and clarify for America what you really believe.

Mr. Vice President, how hard is it to say: ''Violent terrorists belong in jail''? How hard is it to say: ''I will not reward terrorism''? How hard is it to tell the American people: ''I will not release violent terrorists from prison for political gain''?

AL GORE is going to be in Manhattan today. I hope he will visit the corner of Pearl and Broad Streets where Bill Newhall was maimed, and where Frank Connor, Alex Berger, Harold Sherburne, and Jim Gezork lost their lives to an FALN bomb. Perhaps that will help AL GORE make up his mind.

Or perhaps AL GORE should ask his running mate, Senator JOE LIEBERMAN, how to stand up to Bill Clinton. Maybe Senator LIEBERMAN could convince his running mate to stand up for the rights of innocent Americans against those who perpetrate violence. Maybe then AL GORE can prevent the President from putting more American lives in jeopardy.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, I yield the floor.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

The PRESIDING OFFICER. The Senate is on H.R. 4444. The time is under control.

Who yields time?

Mr. HOLLINGS. Controlled time?

The PRESIDING OFFICER. Six hours evenly divided.

AMENDMENT NO. 4134

Mr. HOLLINGS. Mr. President, I call up amendment No. 4134.

The PRESIDING OFFICER. There is 1 hour on this amendment equally divided.

Mr. HOLLINGS. Mr. President, I have tried, in my feeble ability here over the years, to get the Senate to pay attention to the lack of a competitive trade policy. I had hoped on this PNTR, permanent normal trade relations, with China that we might have a good debate with respect to our trade policy—whether or not the American people approve of it and whether there are some adjustments that should be made. Meanwhile our trade deficit goes up, up, and away.

I was a Senator here in the early 1980s when we had a positive balance of trade. I remember when it reached a $100 billion deficit in the balance of trade; and there were all kinds of headline articles back in the 1980s, that—Chicken Little—the sky was going to fall, and everything else like that.

Now we have been numbed. It has gone to $100, $200, $300 billion, and it approximates to a $400 billion deficit in the balance of trade. They don't even discuss it in the Presidential campaign. And they absolutely refuse to discuss it in the world's most deliberative body. They refuse to deliberate.

They bring a fixed bill to the floor. And it is terribly tough to talk to a fixed jury. But that is the way it is. The jury is fixed. The legislation is fixed. There are no amendments. We send this to the President.

The National Chamber of Commerce, the Business Roundtable, the Conference Board and the National Association of Manufacturers are continuing their export of the industrial backbone of this Nation. Obviously, they make a bigger profit. They could care less about the country.

In fact, years back, the chairman of the board of Caterpillar said: We are not an American company, we are international.

Not long ago, earlier this year, the head of Boeing said: Oh no, we are not a United States company, we are an international company.

And the best of the best, Jack Welch of GE says: We are not going to buy

from our suppliers unless they send those jobs down to Mexico.

There is a good, wonderful Business Week article about that—we are limited in time or I would read it—but that is exactly what he said. Unless his subcontractors went to Mexico, he was going to do business with those who had gone. So we are in one heck of a fix.

They do not understand trade. Free trade is, of course, an oxymoron. Trade is an exchange for something. It is not to give something for nothing. It is not aid. But we have been treating foreign trade—free trade—as foreign aid.

They just ipso facto in those polls: Are you for free trade?

Oh, I am for free trade, obviously.

Obviously, they are trying to say: I am for trade without restrictions and barriers.

But mind you me, we are all for world peace, but we do not disband the Pentagon. As the father of the country said: The best way to preserve the peace is to prepare for war.

The best way to obtain free trade is not to roll over, as we have for the past 50 years, and plead and cry and moan and groan: fair, fair, fair, fair.

Whoever heard of anybody in business being fair? In America, business, unfortunately, is solely for profit. Do not give us any of these ''fairness doctrines'' of the board of directors of corporate America. You have to be able to raise a barrier in order to remove a barrier. You have to compete. All we need is a competitive trade policy.

In that light, let me say at the outset, I am not against China. All of these amendments have been very good ones with respect to the human rights in China, with respect to weapons of mass destruction, with China not keeping its commitments, and so forth. Why should they keep their commitments? Japan never has. Come on. Korea knows that. China learns. Monkey see, monkey do. They said: All you have to do is puff and blow. We'll get together. And America—the United States—will roll over.

So don't come around here berating China. Buy yourself a mirror and look in it. It is the Senate. Article 1, section 8, of the Constitution says: The Congress shall regulate foreign commerce—not the President, not the Supreme Court, not the Special Trade Representative, but the Congress of the United States. And although the Trade Representative is running around trying to forge new agreements that contradict our laws, even those, if they are to take the force and effect of law, have to be in the form of a treaty ratified by this Senate.

So we are way out of kilter and acting with total disregard. We have gone, from the end of World War II, from 41 percent of our workforce in manufacturing down to 12 percent. The Department of Commerce just reported this last month of August, we lost 69,000 manufacturing jobs.

I will never forget the exchange with the former head of Sony up in Chicago. He was lecturing the Third World, the emerging nations, and said for them to become a nation-state, they had to develop a manufacturing capacity. Somewhat afterward, pointing at me, he said: By the way, Senator, that world power that loses its manufacturing capacity will cease to be a world power.

The security of the United States is like a three-legged stool. The one leg, of course, is our values. We are respected the world around for our commitment to freedom and human rights. The second leg, obviously, is the military, the superpower. But the third economic leg has been fractured over the past 50 years, as we have made a very successful attempt to conquer communism with capitalism. We sent over the Marshall Plan. We sent over the technology. We sent over the expertise. But we rolled over with respect to actually enforcing any kind of trade policy.

I testified, some 40 years ago, before the old International Tariff Commission. Tom Dewey ran me around the room. The argument was: Governor, what do you expect these emerging countries, coming out of the ruins of the war, what do you expect them to make? Let them and the Third World countries, let them make the shoes and the clothing, and we will make the airplanes and the computers.

Now I stand on the floor, and our global competition, they make the shoes. They make the clothing. They make the airplanes. They make the computers. They make it all. And we are going out of business.

And as we go out of business, they say this particular initiative, PNTR, is good for business. It is good for their profit, but not, in the long run, good for business, no. They have to have employees. And don't worry about the productivity of the U.S. industrial worker. We have been for 30-some years now rated not only by the Bureau of Labor Statistics but by the international economic section of the United Nations as having the most productive industrial worker in the entire world.

They are working harder and harder and longer hours and are getting paid less than they are in Germany, paid less than they are in Japan and several other countries. The U.S. industrial worker is not overpaid, and he is not underworked. He works more hours than any other industrial worker.

Here we are, in the Senate, blabbing, be fair, whining, be fair, be fair. We continue to heap on the cost of doing business—Social Security, Medicare, Medicaid, minimum wage, safe working place, safe machinery, plant closing notice, parental leave. You can go right on down the list of all of these things we think up, and we, on a bipartisan basis, support them all. That goes into the cost of doing business. So since NAFTA, 38,700 jobs have left the little State of South Carolina and gone down to Mexico where none of those conditions I just mentioned are required, and they have the audacity to stand in the well and say NAFTA worked.

They told us at the time of the NAFTA vote it was going to create jobs; 200,000 is the figure they used. The Chamber of Commerce, the NAM, Business Roundtable, the Secretary of Commerce, the President of the United States: We are going to create 200,000 jobs.

We have lost 440,000 textile jobs alone since NAFTA. I don't know how many jobs they have lost up in New Hampshire, but I am confident I can go over to the Department of Labor and find out. Jobs are our greatest export. Export, export, from those who have never really been in trade—I practiced customs law—they keep hollering, export, export. The biggest export we have is our jobs.

I am not against China. I am against us. That is who I am trying to awaken with these amendments, trying to engage in a debate so we can learn from a country with a $350- to $400 billion trade deficit, costing 1 percent of our GNP. They keep saying: Watch out, that dollar is going to have to be devalued. You watch it, when that happens, interest rates go up. Then they will all be whining around here.

I remember the little $5 billion we put in some 25 years ago—we were trying to create jobs—$5 billion for the highways, just to advance highway construction, just to create jobs. Five billion? We have lost billions of dollars just this last month, way more than $5 billion in jobs; I can tell you that.

The idea is, as President Lincoln said, and there is no quote more appropriate:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country.

That was in his annual message to the Congress back in December of 1862. We must disenthrall ourselves. We must act anew, think anew, disenthrall ourselves, and try to save us, the great Yankee trader from New Hampshire, and all of those other Northeastern States. We had all this agriculture down South, and we believed in all that international trade. That was the Civil War. That famous Yankee trader has rolled over now, and he has gone overseas.

We are definitely not against China. I could talk at length about their human rights policy. Their first human right is to feed 1.3 billion. The second is to house 1.3 billion. The third is to educate 1.3 billion. The fourth is one man, one vote. But, of course, the politicians are running around on the floor of the Congress: We want one man, one vote. You travel there. I was there in 1976 and 1986 and 1996. You go there and you see the progress towards capitalism.

I am for continued trade. I have offered to cut out the ''permanent'' so I

could continue this dialog with my colleagues on the floor to try to get something going of a competitive nature.

We certainly don't go along with Tiananmen Square and everything else such as that, but it works for the Chinese. Suppose you were the head of China. If you let one demonstration get out of hand, another one gets out of hand. You have total chaos, with a population of 1.3 billion. Then nothing gets done. So there has to be some kind of traumatic control; let's be realistic. Don't berate them about their environment right now. It took us 200 years, and we still don't have these waste dumps cleaned up. We still don't have clean air in certain States. Workers' rights, we haven't gotten all of our workers' rights. They don't have a right to a job because they are fast disappearing. That is what it is all about. And it is not against business.

Jerry Jasinowski, the distinguished head of the National Association of Manufacturers, put an article in yesterday's New York Times, entitled ''Gore's War on Business.'' I ask unanimous consent to print the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, September 13, 2000]

GORE'S WAR ON BUSINESS

(By Jerry J. Jasinowski)

I've known Al Gore and Joseph Lieberman for years. They are smart, capable men who have a pretty good handle on what makes our economy tick. But judging from their comments in recent days, I'm a bit bewildered. In his speeches, Mr. Gore attacked ''big oil,'' ''the pharmaceutical companies,'' ''big polluters''—in short, corporate America in general.

He seems quite willing to play the populist card even if it distorts the record of corporations, fosters antagonism between company leadership and workers and encourages the very stereotyping that, on other fronts, the Democratic Party claims to be against.

Suddenly business is the enemy. Why, I'm not sure, since the Clinton-Gore team takes such great pains to boast about the economic achievements of the past eight years, including the 22 million new jobs generated by the free enterprise system. Consider the words of Mr. Lieberman in his recent book, ''In Praise of Public Life'': ''We New Democrats believe that the booming economy of the 1990's resulted more from private sector innovation, investment and hard work than from government action.''

Mr. Lieberman got it right. The men and women who make things in America, from skilled workers on the factory floor to innovators in the company lab, have fueled these achievements.

And these workers have been duly rewarded. Today's manufacturing jobs provide an average yearly compensation of $49,000 per worker, nearly 17 percent higher than in the private sector overall.

But great success of business in creating good jobs seems to be lost in this campaign. Mr. Gore and Mr. Lieberman are creating an atmosphere of division between employers and employees at a time when workers and their employers are partners as never before. The newfound angry populism of the Gore-Lieberman ticket distorts the true picture of the American economy and fosters resentment rather than cooperation.

As another centrist Democrat, the late Senator Paul Tsongas, said in his speech at the 1992 Democratic Convention, ''You cannot redistribute wealth you never created. You can't be pro-jobs and anti-business at the same time. You cannot love employment and hate employers.''

This year's Democratic ticket would do well to heed these wise words.

Mr. HOLLINGS. These workers, he says, have been duly rewarded. Not at all. He talks about the manufacturing pay is less than their competition, that they are working long hours. They haven't been duly rewarded. What is the unease, the anxiety that they are talking about? The anxiety they are talking about is having the job. The great success of business in creating good jobs seems to be lost. He should have read the release put out the day before.

I ask unanimous consent to have this NAM report on manufacturing trade printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW NAM REPORT ON MANUFACTURING TRADE FINDS NAFTA RESPONSIBLE FOR HALF OF U.S. EXPORT GROWTH IN 2000

Washington, D.C., August 29, 2000—The National Association of Manufacturers today released the first in a new series of quarterly reports on manufactured goods exports and imports based on Commerce Department data. Manufactured goods dominate U.S. trade, comprising 90 percent of U.S. merchandise exports and 85 percent of merchandise imports.

The new data, which analyze detailed U.S. manufacturing trade by both industry and geographic region, show that NAFTA member countries accounted for an astonishing 54 percent of total manufactured goods export growth for the first half of the year.

''The fact that exports to Canada and Mexico are contributing more to export growth than exports to Asia, Europe and the rest of the world combined clearly shows NAFTA is a big plus to U.S. manufacturers, and underscores the importance of further trade liberalization to the future vitality of American industry'' said NAM President Jerry Jasinowski.

Manufacturers' exports to and imports from NAFTA both were up 18 percent over the first half of 1999, Jasinowski said, noting that Mexico accounted for most of the U.S. export growth, and Canada for the bulk of the import growth from NAFTA.

For the first half of 2000, US manufactured exports overall are up 12 percent compared to the first six months of 1999, Jasinowski said. ''This is a significant turnaround. This time last year, U.S. exports were down by 2 percent. At the same time, strong domestic demand is pulling in imports at a rate of around 20 percent. This is more than double the pace of last year.''

Of the total $228 billion U.S. merchandise trade deficit so far this year, 77 percent has been in manufacturing. While the expanding trade deficits in recent years have been due, in part, to a slowdown in economic growth abroad, the trade imbalance in 2000 is fueled primarily by a very robust domestic economy and a strong dollar.

Manufactured goods trade highlights for the first half of 2000 include:

GEOGRAPHIC TRADE

Manufactured goods exports to NAFTA rose 18 percent in first half of 2000, accounting for more than half of manufactured goods export growth to the world. Exports to Mexico alone increased by 30 percent during the first six months of 2000, and have accounted for nearly one-third of total U.S. manufactured goods export growth so far this year.

Imports from NAFTA have contributed 28 percent of manufactures import growth thus far this year. The majority was from Canada; Mexico accounted for only 13 percent.

Asia contributed 26 percent of U.S. manufactured goods export growth in the first half of the year. Two-thirds came from exports to the Asian Newly Industrialized Economies (NIEs—Hong Kong, South Korea, Singapore and Taiwan). Asia, however, supplied 43 percent of U.S. manufactured goods import growth for the first half of the year.

Although the European Union (EU) normally accounts for about 22 percent of U.S. manufactured goods exports, exports of manufactures to the EU are up only 4 percent so far this year, and the EU accounted for an anemic 8 percent of U.S. manufactures export growth during the first half of 2000. Manufactures imports from the EU, on the other hand, were up 16 percent in the first half of the year, with Germany and the United Kingdom accounting for about half.

INDUSTRIAL COMPOSITION

Durable goods contributed 69 percent of manufactures export growth so far this year. The bulk was composed of computers and electronic products, which have grown by 17 percent through June and alone have been responsible for a third of U.S. manufactures export growth. Forty percent of these exports went to four markets (Canada, Mexico, Japan, and South Korea.)

Durable goods imports constituted 68 percent of manufactures import growth in the first half of 2000. Reflecting strong domestic demand for information processing equipment (which now makes up 47 percent of nonresidential fixed investment), computer and electronic product imports rose by 25 percent through June and have contributed to 28 percent to the growth in overall manufactured goods imports this year.

Non-durable manufactures contributed 31 percent of export growth through June. Half of non-durable export growth has been in chemicals. About 44 percent of these products were shipped to the top four export markets (Canada, Mexico, Japan and Belgium).

Non-durables accounted for a third of import growth through June. The largest product groups were chemicals, apparel, and petroleum and coal products.

Mr. HOLLINGS. You have to read this one line, quoting Jasinowski:

Of the total $228 billion U.S. merchandise trade deficit, so far this year 77 percent has been in manufacturing.

That is a deficit in manufacturing. Can you imagine that, Mr. President? So the leaders of business and the head of manufacturing say get rid of the manufacturing. He seems to be proud of it. If I had found that statistic in my research, I would have secured it and stuck it, or deep-sixed it, or whatever you call it because you didn't really want to publicize the fact that you are losing the manufacturing jobs.

With respect to understanding the need to have a competitive trade policy, the President of the United States was up in New York just last week, and he had his counterpart from London there, Tony Blair. They were talking. The news reports said Tony Blair was worried about 1,000 cashmere jobs. Why? Because we were going to put

some heavy duty tariff on cashmere. For what? For bananas. We don't even produce bananas. Good Lord, have mercy. That is how far out the leadership of this country has gone. We don't even produce bananas. But Europe is not taking some other country's bananas, so we go and say we are going to start a trade war.

The Prime Minister is worried about 1,000 jobs, and here I am worried about at least 800,000 jobs. Tell Tom Donohue of the Chamber of Commerce—he says he is going to create 800,000 jobs. I bet you we will lose that number of jobs with this PNTR. He knows it and I know it. They are all begging for jobs, and the President is worried and everything else of that kind, and even the media don't know what protectionism is. That is what you will soon listen to—protectionism. I hold up my hand to preserve, protect, and defend the Constitution of the United States.

I ask unanimous consent that an article entitled, ''Beware Plausible Protectionists'' be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RERCORD, as follows:

[From The Washington Post, Sept. 12, 2000]

BEWARE PLAUSIBLE PROTECTIONISTS

Sen. Ernest Hollings of South Carolina is known for his crude defense of textile protectionism, which impoverishes bone-poor workers in developing countries. But his current efforts at telecom protectionism are more subtle. He has backed a measure that would block government-owned telephone companies from buying American ones, and inserted it into the Commerce, Justice and State Department spending bill. The provision would torpedo the proposed takeover of VoiceStream, a fast-growing wireless company, by Deutsche Telekom, which is 58 percent owned by the German government.

Mr. Hollings points out that U.S. local phone companies have been restricted from entering the long distance market until they opened their own networks to competitors. He then suggests that government-owned foreign phone companies, which he says enjoy monopolistic profits in their domestic markets, should likewise be forced to open up their home territory before being allowed into the United States. On top of that, the senator suggests that foreign government ownership of American telephone firms raises concerns of privacy and national security. Phone companies can eavesdrop on subscribers, and (in the case of mobile callers) monitor their whereabouts. Should a foreign government be allowed to do that?

Mr. Hollings has assembled a powerful coalition in Congress that shudders at this prospect. But the outrage is unwarranted. The automatic link that Mr. Hollings imples between government ownership and monopolistic profits is too simple: In Germany, Telekom's Deutsche rivals have captured two-fifths of the market for long distance voice calls and nearly half of the market for international calls. Under pressure from World Trade Organizations rules and U.S. negotiators, Germany's government has been encouraging telephone competition as well as gradually reducing its stake in Deutsche Telekom.

Moreover, if Deutsche Telekom or any other firm can be shown to have ''dominant-carrier benefits'' in its home market, the Federal Communications Commission is already empowered to impose conditions on the way it does business here. Equally, the FBI and other law enforcement agencies are empowered to examine mergers and ensure that their phone-tapping powers are not compromised. The privacy issue is addressed by existing law, which protects phone users no matte who owns the phone network. The Hollings legislation is therefore unnecessary.

In an ideal world, all phone companies would be privatized: This would eliminate the danger of anti-competitive subsidies completely. But existing policy grapples sensibly with the real world in which state-owned firms remain part of the landscape: It builds in safeguards against abuses while not depriving U.S. consumers of the benefits of foreign investment. VoiceStream, the wireless firm that Deutsche Telekom hopes to purchase, is itself an illustration of those benefits. With the help of $2.2 billion from partners in Hong Kong and Finland, it has expanded rapidly, creating more than 8,000 jobs for American workers and bringing wireless phone and messaging services to 2.5 million consumers. To preserve that kind of gain, the administration promises to veto any spending bill containing the Hollings language. It would be right to do so.

Mr. HOLLINGS. They said, ''Hollings' crude defense of protectionism.'' They don't know what protectionism is. When you get the Government out of the competition, you do get free capitalistic activity, as Adam Smith said. Followed on by David Ricardo and his so-called comparative advantage, which said when you put the Government in, the Government has the right to print money. The Government certainly is not going to let the industry fail.

Deutsche Telekom had a bond issued earlier this year and got $14 billion. Their stock has gone from 100 down to 40. The fellow brags in the newspaper: I have $100 billion in my back pocket. I am going to buy AT&T, MCI, Sprint, or any of them—they are all subject—and I want total control.

So what he has told you in plain, bold language is that the German Government, which owns Deutsche Telekom, says: Heads up, I'm coming in to buy your companies and get total control.

That is a distortion of the free market. That would be protectionism. I am trying to avoid that and keep the Government out of the market. I was one of the leaders in the 1996 act deregulating telecommunications. So we got the U.S. Government out, but certainly not to put the German Government in. But here they go writing these editorials about I'm a protectionist. They have no idea what's going on. That is how far off we have gotten with respect to trade.

So let's get to the point. What we do is that we trade more. We export more to Belgium. We export more to the city-state of Singapore than we do to the People's Republic of China. We've got a good, viable trade partner there. We don't have any exports. I will get to the technology on another amendment. They said that high-tech is going to do it. The truth is, high tech doesn't create the jobs. I will put it in one line: We have a deficit and a balance of trade in high technology with the People's Republic of China. So mark you me, this is not going to do it whatsoever. So my amendment, which ought to be read simply so we can find out who is telling the truth and find out what the imports and exports are and what the jobs are and where they are going. Here it is:

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10–K reports required to be filed with the commission.

This is just information.

The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement listed by country; the annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports; the annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity with each country.

So we will find out with these reports just exactly where we are and what the competition is, whether they are increasing jobs in the U.S. rather than decreasing. The opposition to this amendment is telling everybody to forget about it, it is another one of those Hollings amendments and we have to send it to the President and we have other more important business—there is no more important business than what is going on on the floor of the Senate—10–K reports.

I don't want to belabor or compound the record itself, but I have in my hand the Boeing 10–K report. For example, Boeing, on its 10–K report, says ''the location and floor areas of the company's principal operating properties as of January 1, 2000.'' I wish you or somebody who is really interested could look at that 10–K report. They have every little item about the square footage.

They know how many employees. They know generally how many employees they have, but they do not say where and what country.

That is all we are asking for—the number of employees; then, the dollar volume of imports and exports, and from whence. That is all.

That is all we are asking for in this particular amendment so we can get that to the Department of Commerce and finally find out.

Back in the 1970s when we were debating trade, the Department of Commerce gave me this figure: 41 percent of American consumption of manufactured goods was from imports. That was 20-some years ago. I know that over half of what you and I consume is imported. We are going out of business. We don't have a strong nation. High-tech is not strengthening whatsoever—temporary employees and software people and Internet billionaires, as Newsweek wrote about the other day. But they are not really the automobile workers and parts workers or industry workers. We have the so-called ''rust belt'' in the United States. Talk how exports—that is the parts they are still

making up there and sending down to Mexico to come back into finished automobiles. The most productive automobile plant in the world is not Detroit. It is down in Mexico at the Ford plant, according to J.D. Powers.

I have the Bell South 10–K report. As of December 31, 1999, they employed approximately 96,200 individuals; 64,000 were employees of the telephone operation, and 55,000 represented the communications workers. They have a lot of detailed information. But all we want is the number and which country. That is all we are asking for with respect to those employees—their imports and exports.

Why did the Boeing machinists lead the parade last December up in Seattle at the World Trade Organization? The premium showcase export industry of the United States was leading the parade against WTO because their jobs have gone to China.

All you have to do is continue to read the different articles.

We have one with respect to our friend Bill Greider, who put out a very interesting article. He wrote when President Clinton promoted Boeing aircraft sales abroad—boy, that was wonderful. He had gotten Boeing. For instance, he did not mention that in effect he was championing Mitsubishi, Kawasaki, and Fuji, the Japanese heavies that manufacture a substantial portion of Boeing' planes; or that Boeing was offloading jobs from Seattle and Wichita to China as part of the deal.

There it is. We are exporting our jobs.

This book is nearly 6 years of age.

But let me retain the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield 10 minutes to my distinguished colleague from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman.

(The remarks of Mr. SPECTER are located in today's RECORD under ''Morning Business.'')

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from Tennessee.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Tennessee.

(The remarks of Mr. FRIST are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my distinguished colleague. The 10–K reports filed annually with the SEC are designed to inform investors about the operating conditions of publicly-held corporations offering their securities for sale on American exchanges. The 10–K reports are expressly designed to inform investors about the prospects of companies turning to U.S. securities markets and form a bulwark against misrepresentations that might mislead or defraud U.S. investors. They are, in fact, one of the bulwarks that make American capital markets function precisely because of their focus on information that is relevant to a publicly-held company's predictions of its economic conditions.

The information that the amendment of my friend would require U.S. publicly-held companies to provide at some additional cost is largely irrelevant. For example, what difference does it make to the potential purchaser of IBM's stock precisely how many foreign employees it has and where they are employed? Would a single error in IBM's 10–K report regarding the number of employees in Botswana affect the investor's decision to hold IBM stock? How would it benefit the U.S. investor to know the precise dollar volume of U.S. Steel's exports and imports of manufactured products listed by product and importing country? Would the misstatement of U.S. Steel's imports of semi-finished steel products on its 10–K report actually mislead investors as to the economic condition of U.S. steel or allow the investor to better evaluate U.S. steel's economic prospects relative to other issuers of securities on American exchanges?

Furthermore, SEC rules already require IBM or U.S. Steel to provide that information when relevant to the investor—in other words, where such information would affect the bottom line. My point is that my friend's amendment would not materially advance the interests of U.S. investors, but would add a potentially costly new reporting requirement on U.S. issuers. More fundamentally, to the extent that my friend's amendment succeeds and we are unable to pass PNTR as a result, the damage done to the economic prospects of American publicly-held companies and to the interests of U.S. investors vastly outweighs any hypothetical benefit to investors that would accrue from collecting this information on an annual basis. In my view, the number that U.S. investors are most likely to be interested in is the $13 billion in new U.S. exports that are likely to flow from the ground-breaking agreement negotiated by Ambassador Barshefsky. That is the number that is likely to affect the bottom line in which American investors are interested. Furthermore, to the extent my friend wants to collect the date to illustrate that American companies are investing abroad simply to export back to the United States, that information is likely already to be reflected in the investment and import data that the U.S. Commerce Department already collects.

But, it is also worth questioning what those numbers are likely to reveal if we do pass PNTR and China does join the WTO. I have no doubt that what they will show is an increase in U.S. exports to China and, to the extent that we see an increase in imports from China, that those imports come at the expense of other foreign companies exporting to the United States. The International Trade Commission's report on China's accession reflects that fact. Now, it is important to remember that the ITC's report on the quantitative impact of China's accession was restricted to the effects of tariff changes under the bilateral market access agreement with China. It did not even purport to address the quantitative effects of China's removal of non-tariff barriers on trade in manufactured goods or agricultural products, much less the dramatic opening of China's services markets.

Nonetheless, what the ITC found was that the accession package would lead to an overall improvement in the U.S. balance of trade and, where China did export more to the United States, those gains would come at the expense of other foreign exporters. Given that we already know the affect of China's accession, is there any real reason to collect the date required by my friend's amendment? And, if we are debating the economic impact of China's accession to the WTO, would there be any reason to collect this date with respect to every country in which an American company either buys components or sells its wares? The answer is no. The amendment serves no practical purpose, particularly in the context of this debate. Therefore, I oppose the amendment and urge my colleagues to do so as well.

I yield the floor to my distinguished colleague.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have a simple proposition to make, after discussions with the Treasury Department, which is simply to say the amendment is burdensome in the extreme and would discourage U.S. listings. The amendment would place an enormous, costly, and pointless regulatory burden on publicly traded companies in the United States. Firms would be required to list every single one of their overseas employees as well as every single employee of any foreign company with which they do business. They would also be required to calculate the total value of all their exports and imports.

Such a regulatory burden would be a nightmare for both such firms planning to go public—for most firms planning to go public. On the other hand, it would not discourage foreign firms from listing in the United States. This is not a regulation we want to impose on American business—startup businesses, small cap businesses. I hope we will not approve this.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I had the privilege and experience of running a corporation myself. In fact, it was before Manny Cohen was the Commissioner of the Securities and Exchange Commission. At that time, I set a

record getting approval in 13 days. I know how it works. I know how detailed it is. That is why I brought up Boeing. They even have the square footage in different countries. They do have the total amount and the number of employees. They just break it down by country.

Exporters and importers have to keep books. They have to have the value. They want to know themselves. I want it reported in their 10–K. It is not at the Department of Commerce.

By the way, they say the information does not affect the bottom line. It most positively does. You can get your labor production costs and manufacture for 10 percent of the United States cost.

I am not here for stockholders or against them. I am for stockholders, nonstockholders, for the people of the United States, for the Senate, and for the Constitution in conducting trade.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. ROTH. Mr. President, I yield back the remainder of our time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4134. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), the Senator from Nebraska (Mr. KERREY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 6, nays 90, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—6

Byrd	Helms	Mikulski
Feingold	Hollings	Wellstone

NAYS—90

Abraham	Craig	Hutchinson
Allard	Crapo	Hutchison
Ashcroft	Daschle	Inhofe
Baucus	DeWine	Inouye
Bayh	Dodd	Jeffords
Bennett	Domenici	Johnson
Biden	Dorgan	Kennedy
Bingaman	Durbin	Kerry
Bond	Edwards	Kohl
Boxer	Enzi	Kyl
Breaux	Fitzgerald	Landrieu
Brownback	Frist	Lautenberg
Bryan	Gorton	Leahy
Bunning	Graham	Levin
Burns	Gramm	Lincoln
Campbell	Grams	Lott
Chafee, L.	Grassley	Lugar
Cleland	Gregg	Mack
Cochran	Hagel	McCain
Collins	Harkin	McConnell
Conrad	Hatch	Miller
Moynihan	Roth	Specter
Murkowski	Santorum	Stevens
Murray	Sarbanes	Thomas
Nickles	Schumer	Thompson
Reed	Sessions	Thurmond
Reid	Shelby	Torricelli
Robb	Smith (NH)	Voinovich
Roberts	Smith (OR)	Warner
Rockefeller	Snowe	Wyden

NOT VOTING—4

Akaka	Kerrey
Feinstein	Lieberman

The amendment (No. 4134) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I was wondering if I could make about 5 to 10 minutes' worth of statements on other issues relating to my home State.

Mr. MOYNIHAN. Mr. President, we would be honored if the distinguished Senator from Utah would proceed, as he will do, and at what length he chooses.

Mr. BENNETT. I thank the Senator for his courtesy and friendship and the scholarship with which he addresses all of these issues.

I understand the President pro tempore wishes to make a statement on the Boy Scouts first. I ask unanimous consent that following his statement I be recognized as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

(The remarks of Mr. THURMOND are located in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Thank you, Mr. President.

(The remarks of Mr. BENNETT are located in today's RECORD under ''Morning Business.'')

Mr. MOYNIHAN. Mr. President, seeing no other Senator seeking recognition, 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. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now consider, in the following order, division I of my amendment, to be followed by division IV, and following the use or yielding back of the time, the amendments be laid aside with votes to occur at a time to be determined by the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4129, DIVISION I

Mr. SMITH of New Hampshire. Mr. President, at this time I now call up division I of my amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur by a rollcall vote.

Mr. SMITH of New Hampshire. Yes. A rollcall vote on division I and division IV.

Mr. President, as you know, last Thursday, I offered an amendment that would require the Congressional-Executive Commission, which is created under the permanent normal trade relations bill on China, to monitor the level of Chinese cooperation on the POW/MIA issue and to pass this information to the American people as part of an annual report that the commission will issue.

I have long been an advocate of the POW/MIA issue. I believe the U.S. Government should make every effort to account for any missing American servicemen from any of our Nation's conflicts. I am sure you all agree that we have a solemn obligation to these brave Americans and their families. There are over 10,000 unaccounted-for American soldiers, sailors, airmen, and marines from Korea, Vietnam, and the cold war, not to mention many from World War II.

The fate of many of these unaccounted-for Americans, especially from the Korean war, could be easily clarified by the People's Republic of China. This is an undisputed fact, that the Chinese continue to deny that they have any information that could help us account for our missing.

I have been to North Korea and have talked to the North Koreans on this issue. I have talked to the Russians. Both the Russians and the North Koreans indicated to me, in private discussions, that the Chinese had volumes of information on American servicemen, especially during the Korean war because, as we know, the Chinese were heavily involved. They maintained the camps in Korea during the war.

So all I am asking for in this amendment is that we can include this language so the commission can monitor and put some pressure on the Chinese to provide information. It is humanitarian. It is basic humanitarian information about our missing service men and women.

I do not think this is unreasonable. I do not think it is going to delay anything. It would simply go back to the House. The House would add the amendment, and off it goes: We have now made a statement to the Chinese Communists that we care about our American POWs and MIAs.

I would be astounded if anyone would even consider voting against this

amendment, drawing the conclusion that somehow it is going to mess up the permanent normal trade relations deal.

It would take about 5 minutes to get it approved in the House, another 5 minutes for the President to take a look at it and sign the bill, and we are moving on and now have some attention on it. We have now said to the Chinese Government: Not only do we care about our missing, we want you to help us find some of our MIAs and POWs from those conflicts.

I would like to share with my colleagues just a small fraction of the information that I have—and, believe me, it is a small fraction. I pored through many intelligence files, and I am only giving you a smattering of these files. But I can tell you, the Chinese deny any information, when, in fact, our own intelligence community has volumes of information to the contrary, that they could answer about what happened to our POWs and MIAs, especially from the camps in North Korea, at the end of the war. But it is precisely the type of information I am going to share with you that makes it all the more important that we say to the Chinese: You have to cooperate with us on this humanitarian issue.

For example, there are numerous declassified CIA intelligence reports from the 1950s that indicate the Chinese have knowledge about American POWs from that war—numerous, numerous declassified intelligence reports, and many classified that we cannot talk about here.

I did this the other day when I offered the amendment. I believe I put these in the RECORD yesterday. I will check that. If I did not, I will enter them. But I believe they are in the RECORD.

Here is a good example of one. This is a Central Intelligence Agency Information report dated in May of 1951. So we were at the height of the Korean war in May of 1951. The subject matter is: ''American Prisoners of War in Canton,'' China. Some of the information is blacked out because of sources and methods. Even today, 40 years later, it is still blacked out. But, again, it is a reference to prisoners of war held by the Chinese in the Korean war.

If the Chinese held prisoners, clearly they would know what happened to the prisoners or at least could share some information on the records they maintained in the camps.

Here is another one: 27 June 1951, another intelligence report right here, entitled, ''Subject: American Prisoners of War in South China.'' I will just cite a couple of paragraphs from it:

> A staff member of the State Security Bureau in Seoul [Korea] on 12 February stated that all American prisoners of war were sent to camps . . .

And then they list several cities in Manchuria where they were put to hard labor in mines and factories.

So that is another CIA intelligence report.

Why would we not want to say to the Chinese: Look, here is our own intelligence. We know you held our prisoners in the war. All we want you to do is help us provide answers for their loved ones.

Yet I regret, sincerely regret, to say that people are going to come down to this Senate floor shortly, before the end of the afternoon, and they are going to vote no on this amendment. I believe so many will vote no that it will fail. The reason they are going to give for that vote—and that is what they are going to tell their constituents—is: Of course we would like to get information on our POWs and MIAs. Of course we would like to have the Chinese cooperate. But we are not willing to put it in the permanent normal trade relations because—you know what?—we might make them angry, and we will not be able to sell them corn and wheat.

That is what we are saying. Maybe we can look our veterans in the eye and the families of these people in the eye and say: That's all right. But it is not all right with me. My conscience will be clear. I know how I am voting on this amendment. I would appreciate the consideration of my colleagues. It is not asking very much to send this back to the House with this one amendment that says we care.

It is interesting; there are many groups who oppose permanent normal trade relations with China. But I will tell you, the veterans groups oppose it. What does that tell you? The American Legion opposes it. Many veterans groups oppose it. They are the ones who made the sacrifice. I guarantee you, the families of these individuals who are missing would sure love to see this language put in this bill.

I could go on and on. I will not cite many, but here is another one: ''U.S. Prisoners of War in Communist China, 11 Aug. 1951.'' It is a CIA report. This is one of just thousands that we have had—classified and unclassified—just like this.

> On 2 August fifty-two US prisoners of war from Korea, who had been held in the Baptist church . . .

And they name the location—

> left Canton by train for [another location] under guard. . . .

This is very detailed stuff. This is not just somebody who makes a general statement. These are specific eyewitness sightings of prisoners being moved around in China during the war and who never returned.

I am not maintaining that these people are alive. It would be nice if they were, but I am not maintaining that. But clearly, the Chinese, if they would sit down with us with these documents, we could talk to them, and we could trace this information. We could talk to the people in these provinces, and maybe we could get some information. Perhaps where were these prisoners buried? How were they killed? What kinds of information do we have on them? Are there personal effects, anything like that?

Another report, September 1951, title: American Prisoners of War, Communist China, CIA. On and on and on.

All I am asking my colleagues is to say that that is not acceptable, that we will give permanent normal trade relations to China and not ask them to at least help us account for our missing. I say to those of you who might be skeptical, if you want me to provide you these documents in detail, I will provide the documents in detail. I can send you to the proper locations in the U.S. Government where the classified documents, which are far more specific than this, will give you even more specific information.

I went to North Korea. I sat down in Pyongyang with the North Korean officials several years ago, the first American Senator to visit North Korea. I talked to the North Koreans about those camps that were run during the war. They showed me photographs of the Communist Chinese guards who guarded those troops, our troops, our prisoners, American prisoners, during the war. They know what happened to those people. They can provide us information. Why is that asking so much—to say we want to monitor this to say to the Chinese, every time PNTR comes up for discussion, we want you to help us find answers?

I wrote a letter to the Chinese Government on this and got a blunt response: We don't have any information. We are not going to share any information with you.

We know that is not true. Yet why should they give us information if we say to them, you don't have to give us information because we are going to give you what you want, which is trade and credibility and recognition on the international plain?

This is just basic human rights—basic. Senator HELMS and others, Senator WELLSTONE and others, have offered amendments, over and over again, about human rights violations—all defeated, including mine. We talked about abuse in orphanages. We talked about forced abortions, women forced to have abortions at 9 months—all ignored, all voted down—all in the name of profit, all in the name of saying we don't want to risk antagonizing the Chinese. We don't want to take a few minutes to have this on the other side, to go back over to the House where they might have to add an amendment to send it to the President. That is the reason for this.

As you can imagine, it is difficult to investigate reports that are 50 years old. That is exactly why we need the Chinese to cooperate. You look at a report such as this; it goes back 50 years. We need the people on the ground. We need the Communist Chinese archives—not classified top secret Chinese secrets, that is not what we want. We want basic humanitarian information. They could give it to us, a lot of it. And probably we could clarify the fate of hundreds, perhaps even thousands, of American POWs and MIAs.

I will give one example. On my last trip to Russia, we were able to access some archives. The Russians were very cooperative. They provided 10,000 documents that helped us to identify flyers, American pilots, who were lost in the Korean conflict because the Russians—Soviets then—flew aircraft; they actually saw the shootdowns. They made notations about the tail number of the aircraft, how many pilots, did the pilot parachute out, did the plane go down in flames—very personal, firsthand accounts, very helpful; 10,000 documents.

These documents will help us to be able to go to the families of these men and be able to say to them, this is what happened to your husband or your father, your brother, whomever, as best we know based on the testimony of the Russians.

The Russians, to their credit, are being cooperative. Why can't we ask the Chinese to do this? Why is that asking too much? This is the thing that disturbs me so much, that just basic humanitarian issues are thrown aside in the name of somehow taking a little more time. What is another day, if we are going to give the Chinese permanent trade status? What is another day to include this kind of language?

Secretary Cohen, to his credit, at my request raised this issue with the Chinese during his recent visit to China this last summer. Once again, the Chinese simply brushed it aside. They said: we don't have any information—when in fact our intelligence files and our own information flat out knows and says the opposite.

But let's not forget what the real issue is here. The Chinese stand to make billions from trade with the United States. Shame on us if we fail to demand that in return for those billions, we ask for basic humanitarian information on our servicemen. Shame on us.

All we can do is call this to the attention of our colleagues. I can't make colleagues vote the way I want them to vote, nor should I. It is up to them to make that decision. But I urge them to make the decision to ask for this basic information.

I have worked on this issue for 16 years, as a Senator and a Congressman. I know what I am talking about. I have been to China. I have been to Cambodia. I have been to Laos. I have flown a helicopter over the Plain of Jars. I landed in the Plain of Jars. I went into caves looking for American POWs. I scoured the hillsides and countrysides of Cambodia and Laos and Vietnam and Russia. They have all been relatively cooperative, some more than others, not cooperative enough. But the Chinese have done nothing—no access, zero, zippo. Yet here we are, giving them permanent status. It is wrong.

My concern extends beyond Chinese knowledge of Americans missing from the Korean war. We know approximately 320,000 Chinese military personnel served in Vietnam from 1965 to 1970. So moving now from the Korean war to the Vietnam war, it seems to me highly likely that many of these Chinese troops would be knowledgeable about the fate of some 2,000 Americans still unaccounted for from the Vietnam war. It also impacts the Vietnam war. It also impacts the cold war.

I am personally opposed to PNTR. I will vote against it. But it certainly would be nice if those who are going to vote for it, since I know it is going to pass, would be willing to at least have this basic noncontroversial amendment which would help to account for missing Americans.

Let me tell you what else it would do. It would provide a lot of solace to American families who for 50 years have waited for some word about their loved ones. Yet Senators don't want to vote for this amendment because to vote for it means it might have to go to conference. They don't want to short-circuit the legislative process. Did anybody ask these folks before they went off to war whether they cared about short-circuiting the legislative process? They went. They served. They were lost. They deserve this amendment. They earned this amendment.

My amendment would merely expand the scope of the commission in the permanent normal trade relations bill to include the monitoring of Chinese cooperation on the POW/MIA issue. It is about as noncontroversial as anything we could do. Not only should we vote for this amendment, we have an obligation to vote for this amendment. Anything less than that is wrong. You can rest assured that the 10,000 missing Americans from the Vietnam and Korean wars didn't fight so that the Senate could short-circuit the legislative process. That is not what they fought for. Ask the families what they fought for. I have a father who died in the Second World War. I know what my family suffered.

I know what it is like to grow up without a father. I knew what happened to my father. He was killed serving his country. Many sons and daughters out there have no idea what happened to their loved ones. Wouldn't it be nice if the Senate said we would like to try to find out and that we are willing to attach this to PNTR? This is the least we should do.

AMENDMENT NO. 4129, DIVISION IV

Mr. SMITH of New Hampshire. Mr. President, I know Senator HOLLINGS is waiting. I just have one more amendment, the so-called division IV. I call up division IV at this time and ask for the yeas and nays on my amendment, division IV.

This amendment deals with the environment. Again, this is commission language that simply calls for the commission to report on the progress, or lack thereof, that companies and the Chinese Government are making in China regarding environmental laws.

Our companies in America are under strict environmental regulations, yet there are no regulations in China. All this amendment asks is that we monitor these regulations so we can find out what kind of progress is being made on these issues.

Over the past 30 years, we have heard a steady stream of arguments that strong environmental protections are necessary, and that punitive sanctions are indispensable, because corporations will sacrifice the long-term public interest in preserving the environment for the sake of short-term profits.

For the past 8 years, the Clinton administration has added its voice to that stream. The administration has consistently told us that the American business community cannot be trusted to deal with the environment in a responsible manner unless two conditions are met: First, we must have strong environmental laws on the books. Second, we must ensure that those laws are vigorously enforced—that individual firms can and will be aggressively sanctioned whenever they stray from what those laws allow.

To be sure, the Clinton administration has told us that economic progress can neatly coexist with environmental protection—that swords can be turned into plowshares without ruining the land to be tilled. But the administration has not suggested that we should exempt any business or State from compliance with Federal law.

Today, we have chance to implement those principles. I offer today an amendment to H.R. 4444 that would require the Commission established by the bill to report on the progress of China in the implementation of laws designed to protect human health, and to protect, restore, and preserve the environment.

Let me tell you why we need that amendment:

China's environmental record to date is grim:

It has been said that China is home to half of the world's 10 most polluted cities.—See www.SpeakOut.com, 5/17/00, Pages 1–2; Friends of the Earth—World Trade, www.Foe.org/international/wto/china.html, Page 1.

One source, however, says that the situation has worsened since 1995 and that China now has 8 of the 10 most polluted cities in the world.—See Foreign Broadcast Information Service (FBIS), July 30, 2000, ''China Expert Chen Qingtai Warns of Deteriorating Eco-System,'' Document ID CPP20000730000042, Page 2.

Yet another source now puts the number at 9 out of 10.—See China Focus, May 2000: China's Environment, www.virtualchina.com/focus/environment/index.html.

''By the Chinese government's own standards, two-thirds of the 338 Chinese cities for which air quality data are available are polluted. Two-thirds of those are rated 'moderately'—though still seriously—or heavily polluted.''—See Michael Dorgan, ''China gets serious about cleaning up its air,'' Knight Ridder/Tribune News Service, August 1, 2000.

The Chinese capital of Beijing is one of the those top 10 cities with the world's worst air quality. In Beijing, the annual sulfur dioxide levels are twice the maximum set by the World Health Organization, and the particulates are four times the maximum WHO level.—See House Republican Policy Committee 2 (July 6, 1998).

In 1999, ''on one day out of four—Beijing's air quality—reached Level 4—out of 5—when even nonsmokers feel they have the lungs of the Marlboro Man, or Level 5, when it's so toxic that a few breaths can leave a person dizzy and nearby buildings seem lost in a filthy fog.''—See Michael Dorgan, ''China gets serious about cleaning up its air,'' Knight Ridder/Tribune News Service, August 1, 2000.

An estimated 2 million people die each year in China from air and water pollution.—See Friends of the Earth—World Trade,

www.Foe.org.international/wto/ china.html, Page 1.

Water pollution in China is widespread and toxic. IN fact, 80 percent of China's rivers are so polluted that fish cannot live in them.—See www.SpeakOut.com, 5/17/00, Page 2.

''[T]he 25 billion tons of unfiltered industrial pollutants that the Chinese sent into their waterways in 1991 gave Communist China 'more toxic water pollution in that one country than in the whole of the Western world.' ''—See House Republican Policy Committee 2 (July 6, 1998), quoting Gregg Easterbrook.

A recent report from the Ministry of Water Resources of the Chinese Government states that the water supply to as many as 300 million people in China fails the Chinese Government's health standard.

In addition, according to the China Economic Times, Chinese Ministry of Water Resources report said that 46 percent of China's more than 700 rivers were polluted, meaning that they fell within Grade 4 or 5 of the Chinese Government's 5-Grade water quality rating system. Under that rating system, Grade 1 is deemed clean and suitable for consumption, while Grade 5 is considered undrinkable. Ministry experts explained that industrial pollution was the main source of contamination. Those experts estimated that factories produced about 60 billion tons of waste and sewage each year and that 80 percent of that waste and sewage was discharged into rivers without treatment.

Ninety percent of the water sources in China's urban areas are severely polluted.

Acid rain degrades forest and farm land, and imposes an annual cost of an estimated $1.8 billion in economic losses.—See

www.greenpeace-china.org.hk/ press/ 19991101__pr__00.html.

China is the world's largest producer of chlorofluorocarbons, the chemicals that are said to be responsible for destroying the ozone layer.—See www.SpeakOut.com, 5/17/00, Page 2.

China already consumes more coal in energy production than any other nation. Energy planners expect that China's coal consumption will double, if not triple, by the year 2020. If China's coal use increases as expected over the next two decades, that growth alone will increase global greenhouse gas emissions by 17 percent—all but dooming efforts by the rest of the world to reduce a 50–70-percent reduction in greenhouse gas emissions. See Mark Hertsgaard (July 19, 2000).

By 2020, China will become the world's largest emitter of greenhouse gases.—See www.SpeakOut.com, 5/17/00, Page 3.

Why is the environmental such a disaster in China today? The answer is simple—the people of China do not enjoy political and economic freedom. Per capita emissions in China are 75 percent higher than in Brazil, which has an economy of similar size. The difference is that the autocratic, Communist government in China robs the people of that nation of the ability to seek both a prosperous economy and a healthy environment.

A free people will not consent to the type of environmental degradation seen today in China. Since 1970, in this nation we have been unwilling to put up with a far less dangerous state of affairs than China has today. We have enacted and enforced strong environmental protection laws, and we have supported environmental preservation in our decisions as consumers and as contributors to charitable causes.

Moreover, prosperity not only is compatible with a clean environment, prosperity also is a precondition for it. A rich people will have the ability to recognize the long-term benefits of preservation. Mature free market economies make increasingly efficient uses of resources, while leaving a smaller footprint on the air, the water, and the land.

Under our current law, we can urge China gradually to improve its environmental performance as a condition to being granted normal trading privileges. We lose that option if we pass H.R. 4444. For that reason, this bill is our only, and last best, chance to exercise leverage in order to influence China's decision in the environmental field.

We believe that laws such as the Clean Air Act are necessary for the health of this nation. Why should we expect less for anyone else—particularly China? We believe that enforcement is necessary for law to be meaningful in this nation? Why should we expect anything different across the Pacific? We believe that a sound economy and a healthy environment can and should be attained from the Atlantic to the Pacific? Why should we expect less from Pacific to the South China Sea?

There also is no good reason why, in the name of environmentalism, we should impose a greater burden on American citizens than we expect other countries to impose on themselves.

China now has 20 percent of the world's population, so what China does environmentally greatly affects everyone else. All that this amendment does it to require the Commission created by this legislation to monitor and report on China's efforts to protect the environment.

Former U.N. Ambassador Jeanne Kirkpatrick once criticized my colleagues across the aisle for their tendency to ''Blame America First''—that is, for their belief that there must be something wrong with this great Nation that causes the world's ills. Keep that in mind when you consider this amendment. If laws such as the Clean Air Act and the Clean Water Act are necessary for the environmental health of this Nation, then those laws—or something analogous—are necessary for China, too. That is, they are necessary unless you believe in a policy of ''Restrict America First, Always, and Only.'' There is no good reason for us to give up our opportunity to ensure that annually we can encourage, cajole, or prod China into improving its environment, for its sake and for everyone's, until we are sure that China no longer will be the world's superpolluter.

You might ask why China is such an environmental disaster. The same reason the Soviet Union was. The answer is, the people of China, as in the Soviet Union, don't enjoy political and economic freedom. Per capita emissions in China are 75 percent higher than in Brazil, which has an economy of similar size. They don't have a choice. They don't care. The Government doesn't care. They don't have a choice to clean it up. We could make a difference if we monitored this, talked about this to the world, brought this out each year in the commission report on PNTR. A free people would not consent to this kind of stuff, as we haven't—to this type of environmental degradation. Moreover, prosperity is not only compatible with a clean air environment, but a precondition for it.

So I hope we can move forward on this amendment and allow for the commission to monitor these environmental disasters, where we apply one standard to our Government and no standard to a government making huge profits as a result of our trade.

Again, this is a very noncontroversial amendment but one I think all of my colleagues who say they are pro-environment ought to support. I guess I am going to draw the conclusion that if you can't vote for this, you are pro-environment for America but not the rest of the world—especially China. That is kind of sad. I hope I will have support on this amendment, as well as the other amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. That completes any discussion I have on the amendments.

At this time I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 4136

Mr. HOLLINGS. Mr. President, I call up my amendment No. 4136, and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, right to the point here, there are two surprising features with respect to the globalization, global competition, international trade. I continue to try to get the Senate and the Congress itself, charged under the Constitution, article I, section 8, to fulfill its responsibility.

The eye-opener has to do with agriculture, and the eye-opener has to do with technology. This particular amendment deals with the technological argument that we hear about the wonderful opportunity we have that ''you just don't understand, Senator.'' That is what we hear—that we have gone from the smokestack to post-industrial to high-tech. Everybody is running around talking about high-tech and the wonderful economy. Well, I wish high-tech did contribute that much to the economy. But the fact of the matter is there are not that many jobs, and the few jobs that are there just don't pay.

Let me summarize this amendment. I ask, as a result, that the balance of trade with China in advanced technology projects be reported by the President to the Congress each year. That is in advanced technology products in an amount in excess of $5 billion. We now have a deficit in the balance of trade with the People's Republic of China of $3.2 billion, as of the end of 1999.

Now I have heard from the best of sources that that deficit could become an approximate $5 billion. So I am asking the President that if it exceeds $5 billion, we not only report it, but request a negotiation with the People's Republic of China to see if we can eliminate that imbalance. That is all the amendment calls for. It is all permissive requests, asking the President to do it. There is no burden whatsoever, but it is certainly in the context of global competition that we talk about it.

Let's start acting as if we know something about the competition. I say that the jobs don't pay and there are not that many of them. Right to the point, by comparison, for example, in Redmond, WA, Microsoft has 21,000 jobs when Boeing down the road has 100,000. There are many more jobs at General Motors, Ford, the auto parts industry, and otherwise, than there are in high-tech.

There is a lot of money in software, and therein you find these Internet billionaires trying to get market share—not profit. They haven't come out with a profit yet. But there has been a footrace on the New York Stock Exchange to get market share and invest in those who are winners. That is understandable. That is fine. That is the American way. We applaud it. However, when you look at the number of jobs, you can go to Oracle, you can go to America Online. They now have their employees in the Philippines. Microsoft has several thousand of its employees offshore.

In 1992, a suit was brought by the so-called ''part-time temporary'' employees claiming they ought to share in these stock options, other health benefits, and otherwise. They are really working full time. They won the suit. Now they have changed them to temporary employees so they are not allowed to work over 364 days a year to comply with the law.

This is an article from around the beginning of the year. In Santa Clara, the heart of Silicon Valley, the number of temporary workers has jumped to 42 percent of the workforce this year, from 19 percent in the 1980s. With respect to Microsoft, temporary workers have accounted for as much as one-third of its roughly 20,000-person workforce in the Puget Sound area. In May, it stood at 5,300.

I know the industrial workers at BMW, for example, have benefits and earn $21 to $22 an hour in Spartanburg, SC. We enjoy that. We appreciate it. It doesn't call for necessarily a computer expert or college graduate. There are many college graduates, of course, in the workforce. But these are jobs for high school graduates—the majority of our working population.

These are the jobs for the seniors in the middle class of our democracy. Everybody is running around as if there is joy in the world on money. But they are not thinking of the strength of the democracy economically and the strength the middle class brings to our democracy, with jobs for high school graduates and not just high-tech college degrees. Of course, it is said that the technology industry now has a shortage. There is no shortage. If they only gave them full-time work, they would be there. What they are really applying for are the college graduates out of India and other countries to come in under the immigration laws. They don't want to have to pay the temporary workers even around $35,000 a year when they can get Indian workers for $25,000 a year—any way they can cut costs. Even Chinese-trained workers and others come in. They would like to change the immigration laws to cut back the permanent high-paid workforce and put in this low-paid temporary work practice. That is an eye opener to me because I just couldn't understand why they couldn't find skilled workers.

The truth is, I have proof. The proof of the pudding is in the eating. It is not just bragging. It is true, as they say. We have the best in technical training in South Carolina, and we are for high tech. There isn't any question about that. We are attracting Hoffman-LaRoche, Hitachi, Honda—go right on down the list—Michelin, and all the rest of the fine industries from afar. We are proud of it. We are proud of these foreign investors. At the same time, we have to compete and maintain the strength of our economy.

Look at the People's Republic of China and the comparison of exports to imports in advanced technology. The parts of advanced machinery deficit is $18.23 billion; parts and accessories of machinery not incorporating, $7.74 billion; parts of turbojet or turbo-propeller engines $4.01 billion; turbojet aircraft engines, $3.74 billion.

These are all deficits with the People's Republic of China.

Parts for printers, $3.52 billion; cellular radio telephones, $3.2 billion; videocassette cartridge recorders, $2.32 billion; display units, $1.64 billion; optical disk players, $1.64 billion; medical and surgical instruments and appliances, $1.22 billion; transistors, $740 million; facsimile machines, $670 million; television receivers, $57 million; laser printers, $480 million.

I could keep going down the list. The point is that we have had a great relationship with the People's Republic of China. But in the required transfers of technology, that plus balance of trade has now resulted in a deficit in the balance of trade.

Advanced technology products represent a rare consistent source of earnings for the United States. During the last decade alone, the surplus in global sales was $278 billion. But during the same period, U.S. trade deficits with China totaled $342 billion. It is worsening every year.

That has occurred in spite of the numerous agreements with China to end the obligatory transfer of technology from U.S. companies to their Chinese counterparts to protect intellectual property and to ensure regulatory transparency and the rule of law. Failure to implement these agreements goes a long way in explaining why the total U.S. deficit with China has doubled from $338 billion in 1995, to $68.7 billion by the end of 1999.

The United States also lost its technological trade surplus with China in 1995 and has suffered deficits in this area every year since then.

Last year, U.S. technology exports to China failed by 17 percent while the imports soared by 34 percent. The record $3.2 billion technology trade deficit in 1999 may reach $5 billion. This year, technology imports now cost twice as much as the falling U.S. exports.

Quite simply, China is developing its own export-driven, high-tech industry, and with U.S. assistance.

A recent Department of Commerce study found that transferring important technology and next generation scientific research to Chinese companies is required for any access to the Chinese cheap labor force or its market.

Three of the most critical technology areas are computers, telecommunications, and aerospace. The United

States lost its surplus in computers and components to China in 1990, and now pays seven times as much for imports as it earns from exports.

Compaq: Another foreign computer company that once dominated the Chinese market a decade ago has now been displaced by a local company.

After 20 years of normal trade relations with China, no mobile telephones are exported from the United States to China. Indeed, the United States trade with China in mobile phones involves only the payment for rapidly rising imports that now cost $100 million a year. China has total control of its telephone networks. It recently abrogated a big contract with Qualcom, Motorola, Ericsson, and Nokia and sold 85 percent of China's mobile phone handsets until recently. Last November, China's Ministry of Information imposed import and production quotas on mobile phones, producers, and substantial support for nine Chinese companies.

Now, this agreement doesn't disturb those quotas. It does not open up that market. The People's Republic of China expects the nine companies to raise their market share from the current 5 percent to 50 percent within 5 years.

The United States now has a large and rapidly growing deficit with China in advanced radar and navigational devices. Nearly half of all U.S. technology exports to China during the 1980s were Boeing aircraft and 59 percent were in aerospace. But according to the SEC filings, Boeing's gross sales to and in China have generally fallen since 1993.

Incidentally, that is easy to report. It is being reported by Boeing and we just asked all of the companies to do what Boeing is doing.

Boeing MD 90–30 was certified by the U.S. Federal Aviation Administration last November with Chinese companies providing 70 percent of local contents.

That is a Chinese airline, and they wonder why the Boeing workers led the strike in Seattle last December.

More troubling, with the help of Boeing, Airbus, and others, China has developed its own increasingly competitive civilian and military aerospace production within 10 massive state-owned conglomerates.

China is a valuable U.S. partner in many matters, but it is also a significant competitor. Experiences in the United States with deficits worsening after tariff cuts and other agreements show this is not the time to abandon strong U.S. trade laws, but rather to begin to apply them fairly and firmly, since 42 percent of China's worldwide exports go to the United States.

The Chinese know how to compete. In 1990, we passed in the United Nations General Assembly a resolution to have hearings with respect to human rights in the People's Republic of China. I will never forget, they fanned out over the Pacific down into Australia, Africa, India and everywhere else, and of course they are very competitive. What do they do? The Chinese focus their diplomatic efforts on separating West European governments from the United States by offering them token political concessions and hinting they would retaliate economically against any country that supported the resolution in Geneva.

A vote after 7 years, each year, and the 7th year it was turned down again by a vote of 27–17. They know how to use their valuable, mammoth 1.3 billion population market. But we, with the richest market in the world, don't want to use it. Be fair, we whine; we continue to be fair and whine.

Now, with that $68 to $70 billion deficit in the balance of trade, that is their 8-percent growth. We could say we are just not going to continue this one-sided deal and we are not going to continue to import their articles. We will just stop them as they have stopped us, and with the growth they have to have, they will come to the table and talk turkey. There is no chance in the world with these children here who are in charge of our trade policy. They keep going up there to talk and talk.

Again, Ambassador Barshefsky testified at the hearings: ''The rules put an absolute end to forced technology transfers.'' That was after the WTO agreement with the People's Republic of China. ''The rules put an absolute end to forced technology transfers''—but fast forward a few months. This is what they had in the Wall Street Journal, from Wednesday, June 7 of this year: ''Qualcom Learns from its Mistakes in China, U.S. Mobile Phone Maker Listens to Beijing's Call for Local Production.''

They report that after losing a lucrative deal to supply off-the-shelf cellular phones to China, Qualcom is mapping a new strategy to sell next-generation products in the world's fastest growing mobile phone market.

In other words, to send over their technology.

They talk about these agreements, but as John Mitchell, the former Attorney General said: Watch what we do, not what we say.

Look at what they actually do and it is a disaster.

Mr. President, I have a few pages of the deficits and balance of advanced technology trade with the People's Republic of China. I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

US ADVANCED TECHNOLOGY TRADE LOSSES WITH CHINA

[Even In Advance Technology Products: The US Now Imports 65% More Than It Exports]

HS Code	(1999: Dollars)	US Export	US Import	1999 Balance
	ADVANCED TECHNOLOGY PRODUCTS* TOTALS	$5,007,198,994	$8,216,991,682	($3,209,792,688)
0000305000	PTS & ACCESSORIES OF MACH OF HEADING OF 8471, NESOI	0	1,540,659,071	(1,540,659,071)
0000301000	PRTS OF ADP MCH, NOT INCRPRTNG CRT, PRT CRCT ASSEM.	0	1,235,882,818	(1,235,882,818)
0000990045	OPTICAL DISC (INCLUDING COMPACT DISC) PLAYERS	0	567,322,116	(567,322,116)
0000704065	HARD DISK DRIVE UNT, NESOI, W/OUT EXTNL POWR SUPLY	29,987,116	391,325,747	(361,338,631)
0000408020	CAMCORDERS, 8MM	58,716	176,379,994	(176,321,278)
0000704035	FLOPPY DISK DRIVE UNT, NESOI, W/OUT EXTRNL POW SPY			
0000209070	CELLULAR RADIOTELEPHONES FOR PCRS, 1 KG AND UNDER			
0000900000	VIDEO RECORDING OR REPRODUCING APPARATUS EXC TAPE			
0000200020	URANIUM FLUORIDE ENRICHED IN U235			
0000100080	SEMICONDUCTOR DIODES NOT PHOTOSENSITIVE >0.5 A			
0000210000	FACSIMILE MACHINES			
0000404000	DIGITAL STILL IMAGE VIDEO CAMERAS			
0000408085	STILL IMAGE VIDEO CAMERA, VDEO CAMERA RECORDR, NESOI			
0000400095	HYBRID INTEGRATED CIRCUITS, NESOI			
0000309060	TELEVISION CAMERAS, EXCEPT COLOR			
0000124000	TURBOJET AIRCRAFT ENGINES, THRUST EXCEEDING 25 KN			
	REC TV, COLOR, FLAT PANEL SCREEN, NESOI, DIS N/O 34.29			
	REC TV, COLOR, FLAT PANEL SCREEN, NESOI, DIS N/O 33.02			
	PHOTOSENSITIVE DIODES,			
	SEMICONDUCTOR DIODES NOT PHOTOSENSIVE=<0.5 A			
0000224000	TURBOPROPELLER AIRCRAFT ENGINES, POWER EXC 1100 KW			
0000408050	CAMCORDERS (OTHER THAN 8 MM), NESOI			
0000198001	CHIPS & WAFERS ON SILICON, DGTL MNLTHC IC, BIMOS			

Mr. HOLLINGS. I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Whose time is used under the quorum?

Mr. HOLLINGS. The other side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9½ minutes.

Mr. HOLLINGS. Mr. President, the fact of the matter is, I know the managers of the bill have very important business to engage them, but what we are seeing here is really not just an insult to the issue at hand and this particular Senator, but what we are seeing is an insult to the Senate as the most deliberative body in the world. What they do, with respect, rather than engaging in debate, is go into the morning hour and talk about prescription medicine and Wen Ho Lee or anybody else they want to talk about—anything except trade. They know they have the vote fixed.

We have had the requirement, under the Pastore rule, that you address your comments to the subject at hand. I never have wanted to call that rule on the colleagues, but I will be forced to if we are going to come back and just have morning hours.

I was in a caucus earlier here at lunch. People are trying to get out of town tomorrow. I am trying to cooperate with respect to having early votes. I am willing to yield back the remainder of my time on this one. If I can hear any disputed evidence or testimony from the other side, I will be glad, then, to debate it. But if that is what they want to do, I will move on to the next amendment. I hope they get the message so we get somebody to the floor and move the amendments just as expeditiously as we can.

I suggest the absence of a quorum and charge the other side because they don't care. I mean they are not even using the time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise in opposition to Senator HOLLINGS' amendment. This amendment would authorize the President to initiate negotiations with the Chinese to eliminate the trade deficit in advanced technological products if the balance of trade does not shift to surplus in these products. To be frank, I am not sure why this amendment is being offered to the China PNTR legislation.

After all, by passing PNTR, we will increase our access dramatically to the Chinese market once that country enters the WTO. The commitments that China has made as a part of its WTO accession negotiations with regard to high technology products are truly significant. For example, China has committed to eliminate quotas on information technology products at the date of its accession to the WTO and to eliminate tariffs for these products by January 1, 2005. Moreover, China has agreed to open its telecommunications and internet to United States investments and services.

In addition, U.S. high technology firms will gain the right to import into China, and to engage in distribution services, including wholesaling, retailing, transporting, and repairing. This will allow our businesses to export to China from here at home, and to have their own distribution networks in China. Without these commitments, U.S. companies would be forced to set up factories there to sell products through Chinese partners.

There is nothing about the grant of PNTR that will alter China's access to our market. To the contrary, China has specifically agreed to allow us to put in special safeguard mechanisms aimed at addressing disruptive market surges from China. We will also be maintaining special methodologies under our unfair trade laws that will help domestic industries in antidumping cases.

Ironically, this amendment is not aimed at eliminating any trade barriers or unfair trade practices. It simply dictates that if the balance of trade in certain products is not in surplus, then the President has to use his authority to work with the Chinese to intervene in the market to achieve a certain outcome. I'm not sure how my colleague from South Carolina would envision this happening. Would the Chinese government begin to void contracts that were freely entered into by U.S. importers, until the balance of trade moves into surplus? Would our government have to do this? I don't know what the answer is to that question and, frankly, I would hope that we never have to find out.

As my colleagues well know, I have opposed all amendments that have been offered to PNTR. I have done so because of my concern about how amendments would affect the chances of passage of this legislation. I want to repeat my concerns now. A vote for this amendment will do nothing to increase opportunities for our workers and farmers. Indeed, it will have the opposite effect. As such, I urge my colleagues to vote against this amendment.

Mr. HOLLINGS. Mr. President, I understand from the other side, now I can yield back our time; they would yield their time, and move to the next amendment.

That being the case, I yield back my time and I understand the other side yields back its time.

The PRESIDING OFFICER. All time is yielded.

AMENDMENT NO. 4135

Mr. HOLLINGS. Mr. President, I call up amendment No. 4135. Mr. President, the other eye opener in international trade is the matter of agriculture. I have always had a strong agricultural interest, support, in my years in public office. I willingly support price supports and quotas on agricultural products. America's agriculture is allegedly the finest in the world. We produce enough to feed ourselves and 15 other countries. But we only have 3.5 million farmers and there are 800 million farmers in the People's Republic of China. They are not only now producing to the extent where they have a glut—mind you me, I said that advisedly—a glut in agriculture, they will continue to expand upon their agricultural production once they solve the transportation and distribution problem, and start feeding the entire world.

It is very difficult to understand how any of my farm friends here—who are always calling us protectionists when we have never asked for any kind of subsidies or protection whatsoever—but if people lose their jobs, 38,700 who have lost their textile jobs, they are supposed to be retrained, you know, and get ready for high tech and the global economy. They are supposed to understand it.

Agriculturally, if a few thousand farms lose out here with the bad weather, be it a storm or be it a drought, we immediately appropriate the money to take care of it. I will never forget this so-called Freedom to Farm measure that was put in here 3 years ago. Each year, now, we have gone up and increased—rather than the freedom, the subsidies: Some $7 to $8 billion.

In contrast now, with the People's Republic of China, we have a deficit in a lot of items. The total agricultural trade balance is $218 million for the year 1999.

Fish and crustaceans, $266 million; dairy products, $14 million—$266 million.

Dairy produce; Birds' Eggs, Honey; Edible—$14.8 million.

This is how they list it and that is why I read it this way.

Products Of Animal Origin, Nesoi—$93.7 million.

Live Trees And Other Plants; Bulbs, Roots—$3.7 million;

Edible Vegetables And Certain Roots, Tubers—$55.8 million;

Edible Fruit And Nuts; Peel Of Citrus Fruit—$30.6 million;

Coffee, Tea, Mate And Spices—a deficit of $43.1 million;

Lac; Gums; Resins And Other Vegetable Saps—$44.9 million;

Edible Preparations Of Meat, Fish, Crustaceans—$69.9 million;

Sugars And Sugar Confectionary—$7.8 million;

Cocoa And Cocoa Preparations—$15.2 million;

Preparations of Cereals, Flour, Starch Or Milk—$23.1 million;

Miscellaneous Edible Preparations—$17.1 million.

Listen to this one: Cotton.

Here I am struggling in South Carolina, the South, cotton—I am importing cotton from the People's Republic of China. I have a $12.3 million surplus in cotton, not carded but combed.

It would be unfair to talk, with this particular amendment, about the deficit and all of these things because we already have a deficit. We do have a plus balance of trade in wheat, corn, and rice. It is listed under cereals, is the way they list it at the Department of Agriculture. We have a plus balance

of trade in wheat, corn, and rice, and a plus balance of trade in soybeans.

That is why I made this amendment to read ''wheat, corn, rice, and soybeans.'' I wanted to start off, as in soybeans, I have a plus balance of trade of $288.1 million. So we are happy.

We have a plus balance of trade of wheat, corn, and rice of $39.6 million.

I am looking at that particular category and whereby 4 years ago we had a plus balance of $440.7 million, it is down to $39.6 million. It promises maybe next year to go to a deficit.

I have all the farm boys saying: Wait a minute, wait a minute, we have to export. We have to export agriculture, export agriculture. We are not exporting agriculture, on balance, to the Peoples' Republic of China. We have a deficit. We are importing it now. If this continues, we will definitely have a deficit, in the sense—let me tell you what this agreement calls for. We are trying to really improve the competitor. These are the kind of agreements we make when we send Barshefsky and that crowd abroad.

I read:

China and the United States agree to actively promote comprehensive cooperation in agriculture, in the field of high technology, and encourage research institutes and agricultural enterprises to collaborate in high-tech research and development.

Do not for a minute think the Chinese are not coming. They are going to come for those high-tech items, go to our agricultural colleges, go to our experimental development stations, and they are going to collaborate on all the high-tech research and development. Mostly, they will be taking; they are not giving any.

Reading further:

China and the United States agree enterprises should be urged to make investment in each country to produce and do business in high-tech agricultural products.

They will have to make investments in that country to produce and do business in high-tech agricultural products. They agree with the content provision in agriculture, and yet my colleagues say: Whoopee, this is a wonderful agreement.

I think I will be around here long enough for these farmers to go out of business. Watch them. That wheat, as I said, is going from 440 million in a 4-year period down to just 40 million bushels.

Reading further:

Review and technical assistance—the United States will review its technical assistance programs in China to consider ways to increase the efficacy of these programs. The United States will create special educational symposiums specific to China's needs in cooperation with the U.S. land grant universities for Chinese officials and producers.

Ambassador Barshefsky is a wonderful negotiator for the Chinese. She is agreeing to have special symposiums when we already have a deficit in agricultural trade. We have to set up a symposium to increase the deficit.

Continuing:

The United States will provide opportunities for young Chinese leaders to visit the U.S. farms, ranches, and universities to study management systems and production technologies.

The United States will arrange opportunities for the Chinese officials and business leaders to study U.S. marketing and distribution of agricultural products in China and the United States.

As a means to implement the principle of technological cooperation and exchange, China and the United States will implement specific projects listed below.

The U.S. livestock industry will provide free registration and enrollment for select Chinese officials, and Cattlemen College classes during the NCBA convention and summer conferences.

The U.S. livestock industry will provide free registration and enrollment for select Chinese officials and producers at the world pork symposium; strengthening cooperation and conservation of genetic resources for livestock, poultry, and forage grass; strengthening cooperation in selection and utilization of new breeds and varieties; technical assistance on quick testing, monitoring, and management of major animal diseases; technical assistance on environmentally sound production practices; waste disposal techniques.

The United States will provide technical assistance in water conservation and management for China to further its work in identifying and conserving key water resources.

It goes on and on. This is an agreement to put ourselves out of business. They come to the floor and say: Oh, we have so much more fertile, arable land than they have, so many millions of acres. They have more land under irrigation than the United States. It is an offset now, but they will be getting more irrigation, in addition to the advanced productivity we already have. But we politicians in Congress say: You don't understand; global competition, globalization; you are just resisting globalization; that is yesteryear's politician; you have to modernize; we are for change; we are global.

We are globally going out of business. That is why I have this amendment. That is, if this exceeds $5 billion in those four categories, it is only $3.5 billion now, but if we start losing on wheat, corn, and soybeans, we are goners in agriculture.

This amendment provides that if this occurs and this was misrepresented to us—the Senate is charged under the Constitution, article I, section 8, to regulate foreign commerce—if we were misled, we can say: Please renegotiate and see how we can right this situation.

We do not have this in advanced technology. We do not have this in electronics and manufactured products. We do not have a plus balance of trade in agricultural products. But the little bit we have left, my farmers realize if you are voting against this amendment, you vote against America's most productive farmer.

We are agreeing to make the Chinese more productive. If you think an American farmer can outwork a Chinese farmer, you are whistling ''Dixie.'' They are the hardest working people in the world. They are like us in the South. We are still hungry. That is why the BMW plants not only produce more but they produce better quality. That is why we are doubling the size of the BMW plant from Munich, Germany, and we will continue to compete.

Generally speaking, the rest of the country, up in your neck of the woods, I say to the Presiding Officer, they have gotten spoiled.

We started the globalization in Rhode Island. We started 50 years ago trying to move every industry that was in Rhode Island because you had them and we did not have them. We moved them down to South Carolina. Now they have been moved from South Carolina to Malaysia, Mexico, and now to China under this particular agreement. That is what is really happening. We know how to get the industry, and we know how to lose the industry. We have experienced it. We are talking from a brute measure of experience. This ought to be understood in the Senate.

I reserve the remainder of my time.

Mr. ROTH. 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. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise in opposition to Senator HOLLINGS' amendment.

As my colleagues well know, I have opposed all amendments because of the impact that they could have on passage of PNTR. I want to restate that concern now. Any amendment that is adopted could doom PNTR and end our ability to gain access to the Chinese market once that country joins the WTO.

Let's not forget, we are not voting on whether China will enter the WTO. China will get in, regardless of what occurs in the Senate with regard to this legislation. What we are voting on is whether we will give our workers and farmers the same access to the Chinese market as every other WTO member will get once China accedes. The decision before us is that stark and that simple.

That is why I support PNTR so strongly, and that is why I have opposed all amendments, including some that I thought had great merit.

That is also why virtually every major agricultural organization has supported PNTR and supported my opposition to all amendments.

Mr. President, I have with me today a letter that I would like to enter into the RECORD from over 65 agricultural organizations. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 12, 2000.

The Honorable
U.S. Senate, Washington, DC.

DEAR SENATOR: It is critical to American agriculture that H.R. 4444, the China Permanent Normal Trade Relations (PNTR) legislation, moves forward without amendment. Any amendments would require another vote in the House of Representatives and send China and our competitors the message that the United States is not serious about opening the Chinese market to U.S. products.

The Thompson amendment would require the President to implement sanctions under various circumstances. Unilateral sanctions have the effect of giving U.S. markets to our competitors. While there are efforts to exempt food, medicine and agriculture from the existing language, American agricultural producers, regardless of exemptions, would be put at risk. If the United States sanctions or even threatens sanctions for any products, agriculture is often first on the other country's retaliation list.

Additionally, further consideration of the China Nonproliferation bill should not delay action on a vote for PNTR. The U.S. agriculture industry continues to face depressed prices. Agricultural producers and food manufacturers should not face burdens erected by their own government such as unilateral sanctions or failure to pass PNTR.

We urgently request your help in achieving a positive vote on PNTR without amendment.

Thank you for your help and we look forward to working with you on these important issues.

Sincerely,

AgriBank, Agricultural Retailers Association, Alabama Farmers Association, American Crop Protection Association, American Farm Bureau Federation, American Feed Industry Association, American Meat Institute, American Seed Trade Association, American Soybean Association, American Health Institute, Archer Daniels Midland Company, Biotechnology Industry Organization, Bunge Corporation, Cargill, Inc. Cenex Harvest States, Central Soya Company, Inc., Cerestar USA, CF Industries, Inc., Chocolate Manufacturers Association, and CoBank.

Distilled Spirits Council of the United States, DuPont, Farmland Industries, Inc., Grocery Manufacturers of America, IMC Global Inc., Independent Community Bankers of America, International Dairy Foods Association, Land O'Lakes, Louis Dreyfus Corporation, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Barley Growers Association, National Cattlemen's Beef Association, National Chicken Council, National Confectioners Association, National Corn Growers Association, National Council of Farmer Cooperatives, National Food Processors Association, National Grain and Feed Association, and National Grange.

National Milk Producers Federation, National Oilseed Processors Association, National Pork Producers Council, National Potato Council, National Renderers Association, National Sunflower Association, North American Export Grain Association, North American Millers' Association, Pet Food Institute, Pioneer Hi-Bred International, Rice Millers' Association, Snack Food Association, Sunkist Growers, The Fertilizer Institute, United Egg Association, United Egg Producers, USA Poultry and Egg Export Council, U.S. Canola Association, U.S. Dairy Export Federation, U.S. Rice Producers Association, U.S. Rice Producers' Group, U.S. Wheat Associates, Wheat Export Trade Education Committee, and Zeeland Farm Soya.

Mr. ROTH. Just let me point out, these organizations know, as I do, that passage of PNTR is vital. It is vital to our farmers and our agriculture sector. These include the National Chicken Council and the USA Poultry and Egg Export Council, both of which represent farmers from my home State of Delaware.

But it also includes national organizations and companies such as the American Farm Bureau Federation, National Grange, Cargill, Farmland Industries, the National Cattlemen's Beef Association, and many others.

Importantly, this list also includes groups that this amendment is ostensibly intended to help, including the National Corn Growers Association, the National Oilseed Processors Association, the American Soybean Association, the U.S. Rice Producers Group, the U.S. Wheat Associate, and the Wheat Export Trade Education Commission.

This is a long list, but it is worth emphasizing for all my colleagues to realize how much is at stake and how much will be lost if this or any other amendment were to be adopted.

After all, China is already our eighth largest market for agricultural exports. In fiscal year 1999, U.S. farm exports to China were about $1 billion, with an addition $1.3 billion of exports going to Hong Kong.

While China is already a huge agricultural export market, the potential for the future is even greater with WTO accession. China has agreed to slash tariffs for virtually every agricultural product, and to establish very high tariff rate quotas for key products, including those covered by my colleague's amendment.

As importantly, China has agreed to abide by the terms of the WTO SPS Agreement, which requires that animal, plant, and human health import requirements be based on science and risk assessment.

It would be particularly ironic if PNTR were to fail because of the amendment before us now. This amendment, at best, is unnecessary. After all, the President is authorized to negotiate with any country about any issue at any time.

Such negotiations would be entirely appropriate and necessary if there were concerns about market access or unfair trade practices that needed to be addressed. But this amendment would urge the President to work with the Chinese to intervene in the agriculture market to achieve a certain balance of trade.

It is because we have rejected these types of statist economic policies that our economy is as strong as it is today. Going back down the road of having the Government meddle unnecessarily in the market is simply not the answer.

In the end this amendment would do nothing to enhance our access to the Chinese market for our farmers. It would, in fact, threaten the potential gains that will become available to us with the passage of PNTR.

That is why I oppose this amendment and urge my colleagues to vote against it. There is too much at stake to do otherwise.

Mr. President, I am ready to yield back the remainder of my time.

Mr. HOLLINGS. Mr. President, I am ready, if I may, to just respond, if you don't mind, for a couple minutes.

How much time do I have?

The PRESIDING OFFICER. Fifteen and a half minutes.

Mr. HOLLINGS. I will not take that long.

My distinguished colleague, the chairman of our Finance Committee is really is one of our outstanding Members. I have every respect for his leadership—but on this particular score, he talks about the great market we have and that this amendment would require the President to intervene to obtain a certain balance of trade. Not at all. What I am trying to do is avoid a deficit in the balance.

As they say, they are a great market. As long as the soybean association is right, as long as the wheat association is right, and the other 63-some-odd associations are right, you will never hear any more about this amendment. It will be dead on the books because nothing will have to be triggered. I am taking their word for it.

I know otherwise. I have been in the agricultural business. When you mention the American Farm Bureau, I almost have to laugh. They have to do with everything but with farming. It is an insurance company. They have many times come out against the interests of the farmer.

I have taken an agriculture case, on the dairy score, all the way to the Supreme Court. I learned that my dairy farmers put their milk out on the stoop, that on the first of the month it is picked up, and they don't learn for 30 days—or sometimes 2 months—whether that is going to be classed grade A, class I grade A, or whether it is going to be class III grade C. There is a tremendous difference in price. It is up to the processor to determine whether it is going to go into processing ice cream, cottage cheese, or whether it is going to be pasteurized and put on the stoop as class I grade A.

So the poor farmer keeps his mouth shut because he has to get along. In short, the farmer is in the hands of the processor and the distributor in most instances. That is why you have these organizations and Archer-Daniels-Midland, Cargill, everybody else. They can run around and easily get these resolutions.

But the hard, cold fact is, I am here for the wheat farmer, for the soybean farmer, for the corn farmer. All I am saying is, you are telling me I am going to be able to expand this wonderful market. Well, I am looking, and seeing it has contracted, and overall we have a deficit right now.

I know 3½ million cannot outproduce 800 million. I know I am obligated under the agreement to bring the 800

million up to snuff with the 3½ million. So I am saying: Wait a minute here. Let's not go pell-mell down the road and ruin the one great thing we have, and that is America's agriculture. You ruined the manufacturing. Now you want to ruin its agriculture. So that is why my amendment is here.

Oh, yes, there is one other point. China will gain access to the WTO. The distinguished Senator and I agree on that. But he thinks that, ipso facto, it opens the market. Japan, for 5 years has been a member of the WTO. Try to get some of these things into Japan.

For those who are solely unknowing, for those who have not studied the case, if you think being a member of the WTO opens markets, you are wrong. Japan is the best example, and China is going the same way. Since they have signed this agreement, and since Ambassador Barshefsky said we did not have to have any more technology transfers in order to do business, Qualcom and many others have learned otherwise since that testimony before the Finance Committee.

AMENDMENT NO. 4137

Mr. HOLLINGS. Mr. President, I yield back the remainder of my time on amendment No. 4135, and I call up amendment No. 4137 on the Export-Import Bank and the Overseas Private Investment Corporation.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, this is the dilemma we are in. We not only don't know what we are doing, we are causing great damage to the workers in America. We are all running around America saying: I am fighting for working families. Well, we are eliminating working families here on the floor of the Congress.

Over the past 6 years, Congress appropriated $5 billion to run the Export-Import Bank of the United States. It subsidizes companies that sell goods abroad. James A. Harmon, President and Chairman put it this way:

> American workers have higher quality, better paying jobs, thanks to the Eximbank's financing.

But the numbers at the bank's five biggest beneficiaries—AT&T, Bechtel, Boeing, General Electric, and McDonnell Douglas, which is now a part of Boeing—tell another story. At these companies, which have accounted for about 40 percent of all loans, grants, and long-term guarantees in this decade, overall employment has fallen 38 percent. Almost 800,000 jobs have disappeared. We are taxing the American public to pay for the elimination of these fine jobs.

What does my amendment say: It says, notwithstanding any other provision of law, in addition to the requirements—and there are all kinds of requirements at Exim and OPIC—neither the Export-Import Bank or the Overseas Private Investment Corporation can provide risk insurance after December 31 of this year unless the applicant certifies that it has one, not transferred advanced technology to the People's Republic of China or, two, has not moved any production facilities until after January 1, 2001, from the United States to the People's Republic.

I want to cut out the ''P'' from PNTR. I can see the lack of knowledge and certainly maybe sometimes the disregard, but to actually come in here and raise taxes to finance the Eximbank and OPIC to, in turn, finance the export of these jobs or the elimination of over 800,000 jobs, we have lost over a million manufacturing jobs in the last decade. There is no question about it. We are just going out of manufacturing entirely. We are going into making hamburgers and handling the laundry, and there are a few software folks buying the stock, making themselves some money, but even the software employee is part time. The construction worker today now has been put off as an independent contractor. He is not under health care. The department store workers are also either independent contractors or part time workers. We have taken and decimated the workforce. And they are wondering why there is malaise or anxiety.

Here is the President back in May:

> Clinton asked rhetorically: ''So why are we having this debate, because people are anxiety ridden about the forces of globalization.''

They tell us we just don't understand the forces of globalization.

After that one, I have a cover article, I ask unanimous consent to print this article. It is very interesting, ''The Backlash Behind the Anxiety of Over Globalization,'' in Business Week, dated April 24.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week, Apr. 24, 2000]

BACKLASH: BEHIND THE ANXIETY OF OVER GLOBALIZATION

(By Aaron Bernstein)

Ask David K. Hayes about the impact of globalization on his life and you'll hear the story of a painful roller-coaster ride. The Goodyear Tire & Rubber Co. factory in Gadsden, Ala., where he has worked for 24 years, decided to shift most of its tiremaking to low-wage Mexico and Brazil early last year. The plant slashed its workforce from 1,850 to 628. The 44-year-old father of two was lucky and landed a job paying the same $36,000 salary at another Goodyear plant 300 miles away. Hayes's wife didn't want to quit her $30,000-a-year nursing job, so Hayes rented a small apartment in Union City, Tenn., seeing his family on weekends. Then in October, Goodyear reversed course and rehired nearly 700 people in Gadsden, including Hayes. It's good to be home, he says, but he is constantly fearful that the company will switch again. ''It has been nerve-wracking,'' he says. ''We try to be cautious on spending, because I don't know if I'll have a job in six months.''

Such stories of anxiety are part of what's fueling a second wave of protests against globalization that kicked off in Washington, D.C., on Apr. 9. Echoing the demonstrations that erupted late last year at the World Trade Organization (WTO) meeting in Seattle, the AFL–CIO brought some 15,000 members to Capitol Hill on Apr. 12 to lobby against granting Normal Trade Relations Status to China. Environmental and human-rights protesters planned to disrupt meetings of the World Bank and the International Monetary Fund (IMF) four days later.

The outpouring once again raises the question: Why are so many people so angry about globalization—a term that has come to encompass everything from expanded trade and factories shifting work around the world to the international bodies that set the rules for the global economy? Political and business leaders across the spectrum were caught off guard by the strong feelings expressed in Seattle last fall. Although they're better prepared this time, they remain perplexed.

After all, the U.S. economy is in the midst of a heady boom that's being fueled in no small part by globalization. Open borders have allowed new ideas and technology to flow freely around the globe, fueling productivity growth and helping U.S. companies to become more competitive than they have been in decades. Expanded trade has helped to keep a tight lid on U.S. consumer prices, too. As a result, many U.S. families are doing better than ever. What's more, polls have shown for years that a solid majority of Americans believe that open borders and free trade are good for the economy.

So it the hostility aired in Seattle and now in Washington just the raving of fringe groups? Or does it express a more widespread anxiety that decision-makers have ignored until now? Fringe groups do play a role, but there is mounting evidence for the second conclusion, as well. The protesters have tapped into growing fears that U.S. policies benefit big companies instead of average citizens—of America or any other country. Environmentalists argue that elitist trade and economic bodies make undemocratic decisions that undermine national sovereignty on environmental regulation. Unions charge that unfettered trade allows unfair competition from countries that lack labor standards. Human rights and student groups say the IMF and the World Bank prop up regimes that condone sweatshops and pursue policies that bail out foreign leaders at the expense of local economies. ''Are you allowed to make your own rules, or is someone else going to do it? Those are fighting words to a lot of people,'' says Robert C. Feenstra, a trade economist at the University of California at Davis. DIVIDED. A BUSINESS WEEK/Harris poll released on Apr. 12 finds that while Americans agree in principle that globalization is good, they disagree with policies for carrying it out. Just 10% describe themselves as free traders, while 51% say they are fair traders. Some 75% to 80% say their priorities are to prevent unfair competition, environmental damage, and job loss. The goals of the Clinton and prior Administrations, including boosting exports and keeping consumer prices low, rank lower (page 44).

At the same time, 68% of Americans believe globalization drags down U.S. wages. Respondents split fairly evenly on whether global integration is good for creating jobs and the environment. The result: a gnawing sense of unfairness and frustration that could boil over in the future. ''A strong majority [of the U.S. public] feels that trade policies haven't adequately addressed the concerns of American workers, international labor standards, or the environment,'' says Steven Kull, director of the University of Maryland's Center on Policy Attitudes, which on Mar. 28 released an extensive poll entitled ''Americans on Globalization.''

Americans' divided views have broad implications for U.S. policies and companies. Ever since the North American Free Trade Agreement (NAFTA) squeaked through Congress

in 1993, its opponents have blocked most major trade initiatives, including President Clinton's request for fast-track authority to negotiate new trade pacts. Now protesters hope to thwart the Administration's pledge to extend Normal Trade Relations to China as part of its entry into the WTO. Some 79% of Americans don't want to give China normal trading privileges, according to the BUSINESS WEEK/Harris poll. After the Apr. 12 rally, the AFL–CIO plans to mount a grass-roots effort to defeat the measure when Congress takes it up in late May.

And there's more to come. College students around the country are holding weekly sit-ins to pressure companies to agree to sweatshop monitoring, and they're scoring surprising victories with Reebok, Nike, and other apparel makers. Unions plan to keep pressing for labor standards that can be incorporated into the world trading system—a battle that could drag on for years. Meanwhile, the Washington demonstrations are likely to spur reform at the World Bank and the IMF (page 46). Of course, global integration is a juggernaut that's not easily stopped, but all the political turbulence could make the free-trade agenda more difficult to achieve.

Finding common ground among competing constituents will be a nightmare for policymakers and politicians. While it may be possible to redesign procedures at the lending agencies, for example, it's far more complex and controversial to set labor and other standards worldwide. Already, China's WTO entry has become a flash point for Vice-President Al Gore, who's depending heavily on union support in his Presidential quest. Somehow, the Administration must balance all this while maintaining friendly relations with trading partners around the globe. The task is all the more difficult because to some degree, helping U.S. workers could hurt those in low-wage countries, since shifting U.S. factories and technology abroad helps to lift living standards there.

It's a paradox that while globalization brings big gains at the macroeconomic level, those pluses are often eclipsed in the public eye by all the personal stories of pain felt by the losers. But that pain remains mostly hidden, as economists and politicians emphasize the upside while downplaying or omitting altogether the drawbacks (table). The Economic Report of the President, for example, released in February, barely mentions trade-related job losses, yet Commerce Dept. statistics imply that something like 1 million workers lose their jobs every year as a result of imports or job shifts abroad. THREATS. Indeed, there are millions like David Hayes who live in fear of a layoff and whose families share the emotional and financial disruption. Even in today's red-hot job market, workers who lose a job earn 6% less on average in the new one they land. Others face pressure to take skimpy raises or pay cuts from employers that threaten to move offshore.

Even service and white-collar workers are no longer exempt. True, many professionals are hitting it big on the Internet and thriving in export-oriented companies. But as global integration advances, engineers, software writers, and other white-collar employees are seeing jobs migrate overseas. ''Workers used to feel safe when the economy was doing well, but today they always feel they can be laid off, and globalization is part and parcel of that,'' says Allan I. Mendelowitz, executive director of the U.S. Trade Deficit Review Commission, set up by Congress in 1998.

The point isn't that globalization creates more losers than winners. After all, free trade is a net gain for the country. What worries many is that the U.S. does little to help those who lose out. ''You want to make sure that the benefits of trade are fairly shared,'' says William R. Cline, a trade expert at the Institute of International Finance Inc.

Of course, with jobs plentiful today, losing one is less disastrous than it was back in 1992. But it's still a traumatic experience. About 25% of all job-losers still aren't working three years afterward, according to Princeton University economist Henry S. Farber, who analyzed government survey data through 1997, the latest year available. Some simply retire early. The 75% who do get another job still face that 6% gap, plus the income lost if they're unemployed until they find new work.

What was once seen as a blue-collar phenomenon is now spreading to the service sector. U.S. data-processing companies are using high-speed data lines to ship document images to low-wage countries such as India and Mexico. Some 45,000 people work in these and other service jobs in maquiladoras, twice the number in 1994, when NAFTA took effect. They do everything from processing used tickets for America West Airlines Inc. to screening U.S. credit-card applications for fraud. And the work is getting more advanced. As U.S. companies tap bilingual Mexicans, ''we have people getting on the phone and calling customers'' in the U.S., says Ray Chiarello, CFO of 2,800-employee Electronic Data Management International in Cuidad Juarez. SWEATSHOPS? Global competition is also battering the theory of comparative advantage, which holds that free trade will prompt the U.S. to import goods made by low-wage, low-skilled labor and export those made by the highly skilled. But companies are undermining that construct by shifting even the most skilled jobs and technologies to low-wage countries.

At General Electric Co., for example, CEO John F. Welch has for years been pushing his operating units to drive down costs by globalizing production. At first that meant moving appliance factories to low-wage countries such as Mexico, where GE now employees 30,000. Then last year, GE's Aircraft Engines (AE) unit set up a global engineering project that already has increased the number of engineers abroad tenfold, to 300, with sites in Brazil, India, Mexico, and Turkey. ''We just can't compete globally with a primarily domestic cost base,'' says AE commercial engines General Manager Chuck Chadwell in a recent AE internal newsletter. An AE spokesman agrees that GE is shifting low-end engineering jobs offshore but says high-end design work is staying in the U.S.

Brian and Mary Best are on the losing end of GE's globalization drive. Both have worked for 25 years as planners at GE's jet-engine plant in Lynn, Mass. But the unit has been shedding planners, who design and help build tools used to make engines, leaving 140 in Lynn, down from 350 a decade ago and 200 in 1999. In February, Brian was laid off from his $50,000-a-year job, and Mary hopes she's not next. ''Our jobs are going to places like Mexico and Poland, where labor is cheaper,'' says Mary, who has a BA in business administration. Says Brian: ''GE's only allegiance is to its shareholders.''

Globalization also helps push down U.S. wages. Trade accounts for roughly one-quarter of the rise in U.S. income inequality since the 1970s, studies show. Imports shift demand from low-skilled workers to educated ones. Yet economists have never found a way to measure direct wage pressures from globalization.

Mike Spaulding knows about that pressure. Spaulding, 55, works at Buffalo's Trico Products Corp., a maker of windshield wipers, purchased by Tomkins PLC in 1998. Trico began shifting 2,200 jobs to Mexico in the mid-1980s. Then in 1995, management said the 300 remaining jobs could stay if employees slashed costs. So Spaulding and his colleagues swallowed a $2-an-hour cut, to $12.50, where his pay remains today. ''We've had to cut back on our lifestyle—forgo some vacations and going out to dinner,'' he says.

Demands like Trico's have lowered pay across the auto-parts industry. One-third of U.S. auto-part employment migrated south to Mexico between 1978 and 1999, according to Stephen A. Herzenberg, an economist at the Keystone Research Center in Harriburg, Pa. The result: Wages in the U.S. auto-parts industry plunged by 9% after inflation, he found.

Some companies use the mere threat of overseas job shifts against workers who try to unionize to raise their pay. In February, Yvonne Edinger and some colleagues tried to form a union at a Parma (Mich.) factory owned by Michigan Automotive Compressor Inc., a joint venture of Japan's Denso Corp. and Toyoda Automatic Loom Works Ltd. The 425 workers at the plant, which makes car air conditioners, earn $12 to $14 an hour—vs. $16 to $18 for parts makers in the United Auto Workers. But when the organizing drive began, ''Japanese coordinators sent over to troubleshoot the line told people that the plant would be moved if they voted in the UAW,'' says Edinger. That scared so many workers that the organizing drive has been put on hold. A company spokeswoman says it has heard no allegations of threats by its coordinators. Yet such threats are routine. According to a 1996 study by Cornell University labor researcher Kate Bronfenbrenner: 62% of manufacturers threaten to close plants during union recruitment drives.

For nearly a decade, political and business leaders have struggled to persuade the American public of the virtues of globalization. But if trade truly brings a net gain to the U.S. economy, why not use some of the extra GDP to compensate the losers and diminish the opposition? True, this wouldn't address wage cuts and threats of moving offshore, much less qualms about the environment and the supranational role of global trade, and finance bodies. Still, if the decision makers don't start taking Americans' objections seriously, the cause of free trade could be jeopardized.

THE PROS AND CONS OF GLOBALIZATION

PLUSES

—Productivity grows more quickly when countries produce goods and services in which they have a comparative advantage. Living standards can go up faster.

—Global competition and cheap imports keep a lid on prices, so inflation is less likely to derail economic growth.

—An open economy spurs innovation with fresh ideas from abroad.

—Export jobs often pay more than other jobs.

—Unfettered capital flows give the U.S. access to foreign investment and keep interest rates low.

MINUSES

—Millions of Americans have lost jobs due to imports or production shifts abroad. Most find new jobs—that pay less.

—Millions of others fear losing their jobs, especially at those companies operating under competitive pressure.

—Workers face pay-cut demands from employers, which often threaten to export jobs.

—Service and white-collar jobs are increasingly vulnerable to operations moving offshore.

—U.S. employees can lose their comparative advantage when companies build advanced factories in low-wage countries, making them as productive as those at home.

Mr. HOLLINGS. That anxiety over globalization is real. The average American working in manufacturing is not part of this wonderful economy. On the contrary, they are on the edge of losing completely. Just look at the fact that 28,700 manufacturing jobs in the State of South Carolina have been lost since NAFTA.

Let me tell you what happens. They say: Reeducate. I go right to Onieta, simple plant, making T-shirts. We brought it to Andrews, South Carolina some 30-some years ago. At the time it closed, last year and re-located to Mexico, they had 487 employees, and the average age was 47 years of age—all loyal, wonderful, productive, everything. So let's do it Washington's way, reeducate. They sound like Mao Zedong—reeducate, get ready for global competition. So tomorrow morning we have the 487 workers out of a job. They are now reeducated and they are expert computer operators.

Are you going to hire a 47-year-old computer operator or a 21-year-old computer operator? You are not taking on the pension, the retirement cost. You are not taking on the health care cost of the 47-year-old. You are going to hire the 21-year-old. So even Washington's way, they are high and dry. Deadline, go to the town of Andrews and some other places such as that where they have closed down these plants. We have high employment in Greenville, Spartanburg, but go to Williamsburg, go to Marlboro, go to Barnwell and you will see what has been occurring.

So we traveled the State. We have worked for jobs. And don't let the Tom Donahue and the Chamber of Commerce, come up here and start telling me about jobs. I have to sort of make a record. He has gone from representing Main Street and jobs in America to the multinationals, money makers, who can make far more by transferring their production outside of the United States.

I have gotten every Chamber of Commerce award. Bobby Kennedy and I were the tin men back in 1954. I have gotten it from every county Chamber of Commerce, the National Chamber of Commerce, any Chamber of Commerce. But on account of this trade debate, Donahue had them endorse and finance my opponent the year before last. Then do you know what he did, January of last year, after I came back from reelection? He gave me the award. He sent me some good government award or American leadership in commerce. I told him to stick it. Come on. What is going on around here? The unmitigated gall. That crowd has left.

I know the Business Roundtable. I refereed the fight between Secretary of Commerce Luther Hodges and Roger Blough, President of U.S. Steel and head of the Business Roundtable. Because when Secretary Hodges was appointed by President Jack Kennedy, there were 12 on both sides. It was all about the Business Roundtable. They did their manufacturers census and everything else and gave it to the Business Roundtable. The poor Secretary didn't even have control of his own office so he ran them out. And we had to referee that fight and get some of them back in, but at least put the secretary in charge of his own office. But CEO's are arrogant. I know them. They are arrogantly greedy, and they could care less about the country. Jack Welch, the best of the best, says I am not going to add a supplier unless that supplier moves to Mexico. Read the Business Week. The head of Boeing said, ''I'm not an American company, I'm an international company.'' Caterpillar is saying it too. They take pride that they don't have a country.

Well, I happen to represent a country, and I am not going to take it sitting down. They ought to be embarrassed. I appreciate the distinguished chairman of the Finance Committee being here now, but the way they have treated this debate in violation of the Pastore rule, and they bring on morning business and talk about every other subject, they could care less about this debate. The vote is fixed. So we don't learn anything. I can learn from my fellow Senators if I am mistaken or in error. Fine, let's learn and understand what the situation really is. My figures are the Government's figures—the Department of Commerce, the Department of Labor figures, Department of Agriculture statistics.

We are not doing well at all in our deficit balance of trade. I can tell you here and now, Strom and I are going to get by. We are not paying our bills. The distinguished Chair is going to have to pick up my bills because I am spending money the government does not have. Mr. President, it is wonderful and since we have a little time you might indulge me. They ought to understand that the Department of Treasury, under the law—I know they would like to avoid this discussion. The Fed hasn't paid the large August payment on the interest cost. It is going to run around $70 billion. As of 9/12/2000, the national debt is $5,684,118,446,519.63. At the beginning of the fiscal year, it was $5,656,270,901,615.43. So in round figures, the debt has increased around $28 billion. The debt has gone up already. We spent $28 billion more than we took in. We had wonderful receipts on personal income on April 15, and again in June for corporate. But even with those, we now have spent $28 billion more than we took in. We have a deficit and we have had a deficit since Lyndon Johnson balanced the budget in 1968–1969. Yet they all talk surplus.

We don't have a federal surplus. We don't have a surplus in trade. We don't have a surplus in agricultural trade. We don't have a surplus in technology trade. Where are the surpluses? We have a surplus in campaign contributions. Maybe that is the name of the game. Forget about the country. Use the Government to reelect ourselves and promise those things that we don't have. That is the biggest campaign finance abuse—using the Government and the budget. We call something a surplus when we have a deficit, and we promise so much in tax cuts and spending and everything else. Then when it comes to this important subject, either we say nothing or we don't even debate it.

I reserve the remainder of my time on the amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my friend. The amendment is not only irrelevant to the underlying bill normalizing trade with China, it would unnecessarily limit the support Congress has directed Ex-Im and OPIC to provide to U.S. exporters worldwide.

First, and most importantly, I want to remind my colleagues that the point of this bill is to ensure that American workers, American farmers, and American businesses reap the benefits of an agreement that it took 3 Presidents of both parties 13 years to squeeze out of the Chinese. Those benefits would be forfeit if this amendment were to pass and thereby hinder our ability to see H.R. 4444 enacted into law.

Thus, the amendment would not only limit the actual assistance that Congress directed Ex-Im and OPIC to provide our exporters, the amendment could have the effect of denying them real export opportunities that are likely to equal $13 billion annually.

Second, the bill ignores the realities of how our exporters do business—pursue markets abroad. Generally, exporting does require you to invest abroad in some form even if only in the form of a representative office, and the available economic analysis suggests that American investment abroad enhances our exports.

The so-called ''benchmark studies'' of the Emergency Committee for American Trade or ECAT have amply detailed that effect. This past year, as part of the Finance Committee's review of U.S. trade policy, we heard from the Cornell professor who completed the study for ECAT. His testimony was compelling, he found that U.S. investment abroad increased U.S. exports and, pointedly, did not find any substance to the argument that trade represented a highway for run-away American plants, as some claim.

The obvious reason for that phenomena is that our market is already open with very few exceptions. If American firms were interested in moving production to China simply to export back to the United States, they could already have done so for many years. One thing this lengthy debate has made clear is that our market has remained open to the Chinese, while the Chinese market, until the agreement of this past November goes into effect, remains largely closed to U.S. exporters. Firms that simply wanted an export platform to the United States could have been exporting to the U.S. for the past 20 years.

In fact, what passage of PNTR promises is that U.S. companies will no longer have to move to China simply to produce for the Chinese market. Under the November agreement, our exporters can produce in the United States, export to China, and for the first time sell directly to the Chinese consumer without the interference of some state-owned trading company. In other words, passage of PNTR is the best way to halt any alleged erosion of our manufacturing base because you can make the goods here and sell them in China.

Third, this amendment would have a chilling effect on normal business practices that yield export sales. The amendment does not, for example, define what it means by a production facility or what constitutes ''moving'' such a facility to the People's Republic of China.

Thus, for example, would the Ex-Im Bank be required to deny any support to a U.S. exporter if it closed any facility in the United States or even reduced production in such a facility while it opened a sales office in China? Would OPIC be required to oppose any form of risk insurance for a U.S. company establishing a facility in China manufacturing goods for the Chinese market if the company had closed or merely reduced production in a U.S. facility manufacturing a completely different product?

Those are just a few of the complications that would arise for the Ex-Im Bank, OPIC, and most importantly for American exporters for whom Congress created those programs if this amendment were to pass.

Congress certainly did not intend that the Ex-Im Bank and OPIC be hamstrung in providing support to our exporters. To the contrary, the explicit intent of Congress in creating those programs was to enhance our exporters competitiveness, not to hobble it.

I oppose this amendment for all of the foregoing reasons and ask my colleagues to do so as well.

Mr. GRAMM. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRAMM and Mr. MOYNIHAN are located in today's RECORD under Morning Business.)

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I have a unanimous consent request. I ask unanimous consent that at 4:45 today the Senate proceed to a series of rollcall votes in relation to the following amendments in the order mentioned:

Division I of Senator SMITH's amendment No. 4129;

Division IV of Senator SMITH's amendment No. 4129;

Hollings amendment No. 4136;

Hollings amendment No. 4135;

Hollings amendment No. 4137.

I further ask unanimous consent that any remaining divisions of amendment No. 4129 be withdrawn and the Feingold amendment regarding the Commission be withdrawn from the list of eligible amendments.

Finally, I ask unanimous consent there be 2 minutes of debate, equally divided in the usual form, prior to each of the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, of course, our chairman, in opposition to the amendment, has said three Presidents have worked 13 years and found the best way to stop the erosion of our manufacturing base was this particular PNTR agreement. If that is the case, I am a happy man. I have my grave doubts because I have been around here and, as John Mitchell said years ago: Watch what we do, not what we say.

So I put in amendments with respect to the matter of jobs. They say it is going to create jobs. I say there is going to be a loss of jobs. On this particular score, since we lost 69,000 manufacturing jobs just last month, and the NAM, the group in charge of manufacturing, the private entity, says we have a $228 billion deficit in the balance of manufacturing trade, then I think what we ought to do is look at this thing very closely; certainly not finance it.

Companies say it is too much of a burden to report. Not at all. They have to just make a statement that they have not used the monies of exports to adulterate the cause; namely, instead of creating jobs in America, to lose the jobs. The same with the Overseas Private Investment Corporation.

Obviously, people looking at the record wonder why we have gotten ourselves in such a situation. I have watched it over the years and participated, obviously, in it, again and again. What really has happened is much like in the early days before World War II, the Spanish war, where they had the fifth column. We have, in international trade, the fifth column in the United States. Let me tell you how it is comprised.

Yes, after World War II the United States had the only industry. We had the Marshall Plan. We sent over our technology, our expertise and, bless everybody, it has worked. Capitalism has defeated communism. And the tax is still to favor the investment overseas. The Senator from North Dakota, Mr. DORGAN, was voted down earlier this year on an amendment to stop financing it. That is exactly what this amendment says: Just don't—Export-Import Bank, OPIC—finance your demise.

But at that particular time the manufacturers in America had all kinds of trouble traveling to the Far East and elsewhere. They didn't like it. Air travel was a burden. Now it is a pleasure.

What happened is that the banks who were financing, like Chase Manhattan and Citicorp, started making most of their money, as of 1973, outside the United States. They saw their opportunity for expansion in financial trade and obviously sponsored all these foreign policy associations—the Trilateral Commission and everything else. So the best and the brightest crowded in from the Ivy League into these particular entities. They started talking about free trade, free trade, the doctrine of comparative advantage—and it is 50 years later, all power to them—free trade when there is no such thing. The competition is not for profit. It is not free. It is controlled trade and the competition is for market share and, in essence, jobs.

The next thing you know, they started actually investing. I will never forget it. These countries, starting with Japan, began to invest in the United States. Back in the 1980s, we had the independent study about the Japanese contributions to Harvard University. The Japanese-financed academics had tremendous influence over the business model being taught in leading business schools. So they began to take over, and with their investments and contributions to the outstanding campuses of America—the next thing you know, we had everyone in America making profits from their investments, buying into the principle of lean manufacturing and lower costs. We had influence in the banks, we had the Trilateral Commission, we had the campuses, and before long we had the retailers who made a profit, a bigger profit out of the imported articles than what they did on the American-produced article.

Then you had the retailers, the Trilateral Commission, the banks, the campuses, the consultants, and finally the lawyers. Ten years ago Pat Choate wrote in ''Agents of Influence,'' that Japan had 110 lawyers, paid way more than we were paying them here—the consummate salary of the House and Senate by way of pay. Japan was better represented in the United States than the people of America by their Congress.

You get all these lawyers who come in and move into the Business Roundtable and the Chamber of Commerce—the Main Street merchant is forgotten. As the distinguished farmers have to realize, the U.S. Farm Bureau is now an insurance company. They have lost the American farmer. We have a deficit in the balance of agriculture with the People's Republic of China.

With respect to wheat, corn, and soybeans, if we lose the positive balance of trade that we have now, and start to get a deficit, let the President simply report it to the Congress and renegotiate and see if we can get better terms. That is what is called for. Otherwise we are going to sell out agriculture.

Overall, the Department of Agriculture shows a deficit in the balance of trade, particularly in cotton. We actually import more cotton from the

People's Republic of China than we export. We have a deficit in the balance of trade with the People's Republic of China in cotton.

I can see it happening, going from 440 million dollars down to 39 million dollars in the last 4 years. It is diminishing rapidly. Obviously, 800 million farmers can do better than 3.5 million in America. We are committed under this agreement to make the 800 million just as productive as the 3.5 million. We have to bring them over here, put on the seminars, carry them through our experimental stations, show them our technology under this agreement.

Once they have a glut in agriculture, once they solve their transportation and distribution problems, we are going to be in the soup in this country. We do have the greatest agriculture in the entire world, but trying to maintain it with the Export-Import Bank, the financing of our sales overseas, the research—we have the fifth column working against us. We are financing our own demise.

The fix is in on all of these votes. They will not even debate them. The legacy of President William Jefferson Clinton is one of fear. I just finished reading a book by David Kennedy, ''Freedom from Fear,'' about Roosevelt, about his leadership. It was true leadership. It was not taking the popular side of a public poll. On the contrary, he was always climbing uphill, all during the thirties and early part of the forties at the beginning of the war. He was fighting to get his policies and programs through. They were not popular ones at all. He led. He said: The only thing we have to fear is fear itself. That was his legacy, freedom from fear.

Now we have global anxiety that President Clinton talked about—the fear of the worker and the farmer in America. They do not know how long they will be able to continue to produce, how long they will have a job, how long they will have a family, how long they will have financial security.

My amendments are not against China. They are against the United States and its failure to compete in international trade. Congress has the fundamental responsibility—article I, section 8 of the Constitution—the Congress, not the President, not the Special Trade Representative, but the Congress shall regulate foreign commerce. But we have been abandoning this responsibility. We do not debate it in the elections. We are now up to a $350 billion, almost a $400 billion deficit, costing us 1 percent of our GNP.

We are in bad shape, but nobody wants to talk about it. They just want to vote and get out of here. If my colleagues debate my amendments, I will be glad to show them the statistics I have corralled.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Mr. HOLLINGS. I will be glad to relinquish that time if the other side is ready to vote. We are going to vote at 4:45 p.m., within the half hour. I want to be able to answer my colleagues, so I retain the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the remaining Hollings amendments. I think they may have been ordered on one. I ask unanimous consent that it be in order to ask for the yeas and nays on the other two.

The PRESIDING OFFICER. Is there objection to it being in order to seek the yeas and nays on both amendments?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 4129, DIVISION I

Mr. HOLLINGS. The question is on agreeing to amendment No. 4129 of the Senator from New Hampshire. The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—30

Ashcroft	Hollings	Sessions
Bunning	Hutchinson	Shelby
Campbell	Inhofe	Smith (NH)
Collins	Jeffords	Snowe
Conrad	Kennedy	Specter
DeWine	Kohl	Thompson
Dorgan	Leahy	Thurmond
Feingold	Mikulski	Voinovich
Hatch	Santorum	Warner
Helms	Sarbanes	Wellstone

NAYS—68

Abraham	Edwards	Lott
Allard	Enzi	Lugar
Baucus	Feinstein	Mack
Bayh	Fitzgerald	McCain
Bennett	Frist	McConnell
Biden	Gorton	Miller
Bingaman	Graham	Moynihan
Bond	Gramm	Murkowski
Boxer	Grams	Murray
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bryan	Hagel	Reid
Burns	Harkin	Robb
Byrd	Hutchison	Roberts
Chafee, L.	Inouye	Rockefeller
Cleland	Johnson	Roth
Cochran	Kerrey	Schumer
Craig	Kerry	Smith (OR)
Crapo	Kyl	Stevens
Daschle	Landrieu	Thomas
Dodd	Lautenberg	Torricelli
Domenici	Levin	Wyden
Durbin	Lincoln	

NOT VOTING—2

Akaka	Lieberman

The amendment (No. 4129, division I) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, can I have order, please?

The PRESIDING OFFICER. The distinguished Senator will suspend. Will Senators please cease audible conversation.

Mr. ROTH. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4129, DIVISION IV

Mr. ROTH. Mr. President, I yield my minute. My understanding is that the author of the amendment yields back his time as well.

The PRESIDING OFFICER. In accordance with the unanimous consent agreement, the question is on agreeing to amendment No. 4129, division IV. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—24

Ashcroft	Helms	Reed
Byrd	Hollings	Sarbanes
Campbell	Inhofe	Smith (NH)
Collins	Jeffords	Snowe
DeWine	Kennedy	Specter
Edwards	Kohl	Thompson
Feingold	Lautenberg	Torricelli
Harkin	Mikulski	Wellstone

NAYS—74

Abraham	Enzi	Mack
Allard	Feinstein	McCain
Baucus	Fitzgerald	McConnell
Bayh	Frist	Miller
Bennett	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reid
Breaux	Gregg	Robb
Brownback	Hagel	Roberts
Bryan	Hatch	Rockefeller
Bunning	Hutchinson	Roth
Burns	Hutchison	Santorum
Chafee, L.	Inouye	Schumer
Cleland	Johnson	Sessions
Cochran	Kerrey	Shelby
Conrad	Kerry	Smith (OR)
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Leahy	Thurmond
Dodd	Levin	Voinovich
Domenici	Lincoln	Warner
Dorgan	Lott	Wyden
Durbin	Lugar	

NOT VOTING—2

Akaka Lieberman

The amendment (No. 4129, division IV) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized

Mr. REID. I have a suggestion. Maybe we should lower the amount of time on a vote to 5 minutes because then we could do it in 15 or 20. If we are going to have 10-minute votes, I respectfully suggest we do that. People are coming up to everybody saying: We have places to go, things to do, and these votes are taking too long.

I will not take any more time because we have an order in effect that the votes are supposed to be 10 minutes, but I hope we could get people here to do that.

AMENDMENT NO. 4136

The PRESIDING OFFICER. In accordance with the unanimous consent agreement, the question now occurs on the Hollings amendment No. 4136.

Who yields time?

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. HOLLINGS. Mr. President, at the present moment we have a $350 billion deficit in the balance of trade with the People's Republic of China, and it promises to increase. But proponents of the bill say: No, this is going to open the market in China for advanced technology.

At the moment, we do have a deficit in the balance of trade in advanced technology, according to the Department of Commerce, of $3.5 billion. So this amendment says, after January 1, from thereafter, if it exceeds $5 billion, that the President try to renegotiate and get better terms. This is only a request on behalf of the President.

This amendment ought to be adopted, really, by a voice vote. We can do away with the rollcall, if you want to.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the Hollings amendment. What this amendment would do is to urge the President to negotiate with the Chinese whenever there is a deficit in advanced technology products, even when there are no allegations of unfair trade practices. It is unclear what the result of these negotiations would be. Will the President urge the Chinese to prevent U.S. companies from transacting business in China until the balance of trade in these products moves into surplus? Or will the President raise barriers to imports into our own market, until the desired balance is achieved?

Whatever the intended result, the price to our farmers and workers would be too high if this amendment were adopted. Let's not forget what is at stake here. With China joining the WTO, the passage of PNTR will enhance dramatically the access of American products—including high technology products—to the Chinese market. That is why I urge my colleagues to vote against this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired on the amendment.

The yeas and nays have been ordered.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent the yeas and nays be vitiated and this be a voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 4136.

The amendment (No. 4136) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. L. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4135

The PRESIDING OFFICER. The question now occurs on Hollings amendment No. 4135. There are 2 minutes equally divided.

Who seeks time?

Mr. HOLLINGS. Mr. President, I want a rollcall on this one because it deals with agriculture. At the present time, surprisingly, we have a deficit in the balance of trade overall in agriculture with the People's Republic of China. We do have a plus balance of trade in wheat, corn, rice, and soybeans. We want to maintain that trade. We want to help that wheat farmer in Montana.

So this amendment simply says, if we get to a deficit in the balance of trade for America's farmers in wheat, corn, rice, or soybeans, that the President is requested to see if he can negotiate a better term. That is all the amendment calls for.

I am sure the farmers want a recorded vote on this one. They want us to show we are supporting America's agriculture.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. This amendment is both unnecessary and, with all due respect to my good friend, misguided.

The amendment is unnecessary because the President already has——

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator from West Virginia is absolutely correct. The Senate will be in order. We will suspend until the Senate is in order.

Will the Senators to the Chair's right please take their conversations off the floor.

The Senator is recognized.

Mr. ROTH. I thank the distinguished Senator from West Virginia for his courtesy.

The amendment is unnecessary because the President already has the authority to negotiate with any country about any issue at any time. The proposal is misguided because it seems to urge the President to take actions to eliminate a deficit in certain products, even if the balance of trade is not the result of any market barriers or unfair trade practices. What does this mean as a practical matter? Will the President urge the Chinese to void existing contracts until the balance of trade is in surplus? We just don't know. In the end, this type of intervention in the market is unwise and, ultimately, counter to our own interests.

I would also note that many of the agriculture groups that this amendment is intended to help support my decision to oppose all amendments. This includes groups representing rice, corn, wheat, and soybean farmers. For these reasons, I urge my colleagues to vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

All time has expired.

The question now occurs on agreeing to Hollings amendment No. 4135. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''no.''

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 16, nays 81, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—16

Byrd	Hollings	Shelby
Campbell	Hutchison	Smith (NH)
Dorgan	Inhofe	Specter
Feingold	Mikulski	Wellstone
Harkin	Sarbanes	
Helms	Sessions	

NAYS—81

Abraham	Craig	Inouye
Allard	Crapo	Jeffords
Ashcroft	Daschle	Johnson
Baucus	DeWine	Kennedy
Bayh	Dodd	Kerrey
Bennett	Domenici	Kerry
Biden	Durbin	Kohl
Bingaman	Edwards	Kyl
Bond	Enzi	Landrieu
Boxer	Feinstein	Lautenberg
Breaux	Fitzgerald	Leahy
Brownback	Frist	Levin
Bryan	Gorton	Lincoln
Bunning	Graham	Lott
Burns	Gramm	Lugar
Chafee, L.	Grams	Mack
Cleland	Grassley	McCain
Cochran	Gregg	McConnell
Collins	Hagel	Miller
Conrad	Hutchinson	Moynihan

Murkowski	Rockefeller	Thomas
Murray	Roth	Thompson
Nickles	Santorum	Thurmond
Reed	Schumer	Torricelli
Reid	Smith (OR)	Voinovich
Robb	Snowe	Warner
Roberts	Stevens	Wyden

NOT VOTING—3

Akaka	Hatch	Lieberman

The amendment (No. 4135) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4137

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. This amendment deals with the Export-Import Bank. James Harmon, president, stated that the principal beneficiaries under the Export-Import Bank had a 700,000 job loss or more during the past 10 years. What we are doing, in essence, is financing our own demise. So the amendment simply states that when you apply for this particular subsidy, you must certify that you haven't moved your manufacture overseas or that you haven't sent your advanced technology abroad.

Many of my colleagues have been trying to catch a plane. I wish they would take me with them. As a result, I ask unanimous consent to vitiate the order for a rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Hollings amendment No. 4137.

The amendment (No. 4137) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, today's vote will set the course for America's relationship with China into the future.

The debate is about whether the United States should grant China Permanent Normal Trading Relations, PNTR status or continue the annual review of China's trade status.

It is not a debate on whether we should trade with China.

Granting PNTR to China will establish China as a full partner—not just in trade, but in every aspect of international relations.

It will end our ability to review and challenge China's trade status on an annual basis.

Denying PNTR to China will maintain our national sovereignty in our dealings with China.

It will retain our right to annually review America's trade relationship with China.

It will retain our right to exert pressure on China to improve on various fronts—from human rights to nuclear proliferation.

This is an exceptionally difficult decision for me.

I have studied the issue for many months.

I have weighed the pros and cons of granting China PNTR, and I acknowledge that there are strong arguments on both sides.

I will oppose PNTR for China.

I believe we should engage China—but not embrace China.

We all want to increase trade with China.

I want to see the United States not only win Nobel Prizes but also win new markets.

I want the United States to reap the rewards of great new American ideas by developing new American products and exporting those products around the world.

I want U.S. industries which can benefit from lower trade barriers in China—such as high tech companies and agricultural producers—to reap the rewards from this agreement.

Ambassador Barshefsky and the administration did a great job in negotiating a trade agreement to bring down China's trade barriers to the United States.

Although China's trade barriers to the United States still remain much higher than U.S. trade barriers to China, this agreement is a big step forward.

Yet I cannot ignore so many other factors in making this crucial and far-reaching decision.

I believe that the downside of this agreement has been significantly dismissed and the benefits have been greatly exaggerated.

So even though I believe and support trade, I do not believe we should grant permanent trade privileges to countries—such as China—at any price.

Instead, we should trade with China but not grant it PNTR status.

We should continue to review our trade relationship with China on an annual basis.

Since 1980, Congress has had the legal right to review the President's annual decision to grant China Most Favored Nation, MFN Status.

Unfortunately, we have rarely taken advantage of this right.

For the most part, Congress has rubber stamped the President's decision to give China full trading rights and access to the U.S. market without asking for concessions.

I voted against granting China MFN after the Chinese Government massacred thousands of Chinese citizens at Tiananmen Square in 1989.

The majority of my colleagues also voted to deny China MFN and together we took a firm stand against China's brutal massacre.

I wish President Bush had not vetoed our decision.

If he had upheld our vote, China would have learned that its behavior could jeopardize its access to the U.S. market.

Instead, President Bush taught the Chinese Government that it could literally get away with murder.

We should use the annual review as it was intended—to actively debate and question whether China deserves continued access to the U.S. market.

If we had ever used the annual review to deny China access to our market, it could have exerted pressure on China to improve its behavior.

It could even have worked to exert pressure if China had ever believed that its access to our market was in jeopardy.

I believe we should retain and strengthen our annual review because it is a practical and prudent tool.

Otherwise, it will be much more difficult to raise the numerous concerns we have about China.

There are at least 6 key factors that lead me to oppose PNTR for China.

U.S. NATIONAL SECURITY WILL BE JEOPARDIZED

I am worried that by transferring our wealth and technology to China it will enable Beijing to build its war machine with more smart weapons and technological developments.

Media reports indicate that China uses U.S. computers to develop its nuclear arms—such as illegally using U.S. supercomputers to simulate warhead detonations without actual underground tests.

This and other practices lead me to believe that China's use of U.S. technology to build its war machine will only increase if we grant it PNTR status.

Taiwan already lives in fear that efforts to declare independence from China will result in military action from Beijing.

This fear will only increase if China's military might is strengthened and it continues to break every nuclear nonproliferation agreement it claims it will respect.

I cannot ignore China's continued blatant disregard for international nuclear non-proliferation agreements.

Despite its repeated commitments to such agreements, China remains one of the key suppliers of nuclear technology and expertise to several rogue countries.

Who are they?

Pakistan, Iran, North Korea and Libya.

As recently as July of this year, the United States learned that China continues to assist Pakistan in building long-range missiles that could carry nuclear weapons.

This dangerous irresponsible behavior cannot be ignored especially because Kashmir remains such a volatile area.

China continuously avoids its international obligations.

It flagrantly jeopardizes international security at a time when its trade relationship with the United States is still undecided.

So the American people can be sure it will take even more egregious steps if its trade relationship with the United States becomes permanent.

CHINA'S POOR RECORD OF COMPLIANCE WITH EXISTING INTERNATIONAL AGREEMENTS

How do we have fair trade with a country that has not fairly lived up to its previous international agreements?

China has made efforts at the national level to improve its compliance record.

Yet these efforts mean little in practice, because they are so often ignored at the local and provincial levels.

For example, Beijing repeatedly promises to comply with intellectual property agreements.

But factories throughout China continue to turn out pirate videos and CDs—with a wink and a nod from the local government.

The effect is a failure to protect against infringement of U.S. copyrights, trademarks and patents.

Will China improve its record of compliance once it joins the WTO?

Unfortunately, there's no reason to think it will.

The WTO simply doesn't have strong enforcement mechanisms.

The WTO is a multilateral, bureaucratic institution.

We cannot expect it to adequately resolve our battles with China.

If we grant China PNTR status and it joins the WTO, we will still have to fight our own trade battles with China.

THE POTENTIAL BENEFITS OF THIS AGREEMENT HAVE BEEN SIGNIFICANTLY OVERSTATED

We're told that when China opens its markets, we will increase our exports and decrease our staggering trade deficit with China.

But open markets does not mean that China will actually buy our goods.

Evidence indicates that China will resist abiding by its agreement with the United States by maintaining barriers to U.S. products and investment.

Chinese leaders have stated that the concessions they made are just expressions and theoretical opportunities rather than binding commitments.

They have also indicated that they will look to trade remedies to limit U.S. goods from entering into China.

CHINA NOW DUMPS ITS CHEAP PRODUCTS INTO OUR MARKETS AND WILL INCREASINGLY DUMP MORE

China's persistent practice of predatory dumping jeopardizes U.S. jobs and threatens to reduce wages of hard-working Americans.

I have spent my entire life trying to save jobs, save communities and help people who are trying to help themselves.

I am a blue collar Senator.

My heart and soul lies with blue-collar America.

My career in public service is one of deep commitment to working-class people.

I have fought and continue to fight for economic growth, jobs and opportunities in America, in particular in my own State of Maryland.

I have heard from the working people of Maryland. Most fear for their jobs and security if we grant China PNTR status.

Their fear stems, in part, from the fact that U.S. industries trying to compete with dumped products from other countries often reduce workers wages or cut the workforce to reduce costs.

Some estimates indicate that China's continued dumping of cheap imports into the United States will eliminate over one million jobs by 2010.

I share their concern and the facts back it up.

There is also the legitimate fear that American jobs will be lost because U.S. companies will move their production to China.

Why would not the U.S. companies move to China when they can pay their workers $10 a day—rather than $10 an hour?

Why wouldn't they move to China when they can take advantage of China's exploited workers who are used to poor working conditions, long hours and poor pay?

Why wouldn't U.S. companies move to China where they don't need to comply with America's stringent labor and environmental regulations.

Corporate profits would soar, but American production would plummet.

How can we claim that American workers won't suffer if these fears are realized?

It is likely that many will either lose their jobs or see lower pay checks.

The minimum wage here is already too spartan.

I can only envision what it will become if we grant China PNTR. It could be reduced to an even lower global minimum wage that is tied to the Chinese yen rather than the U.S. dollar.

How can we turn our backs on American workers simply for short-term corporate gain?

In addition, continued dumping by China will lead to irreparable damage to important U.S. industries.

For example, China will dump even more cheap steel into the U.S. market and further harm the U.S. steel industry.

China is the largest producer of crude steel. Its already huge industry continues to grow at nine to ten percent a year.

To be profitable, it will have to sell this steel to markets outside of its borders.

So if we grant China PNTR status, we can expect that much more Chinese steel will be dumped into the U.S. market.

Despite the fact that the U.S. steel industry has won many anti-dumping disputes, steel imports are up 23 percent this year from last year.

Why?

Because the Administration fails to apply antidumping duties to the extent it should to protect this vital U.S. industry.

This will lead to continued suffering for the U.S. steel industry, which has already been forced to reduce salaries and cut its workforce in order to remain competitive.

We cannot lose the American steel industry.

It's not just a jobs issue—it's a national security issue.

During times of war, we cannot rely on foreign steel.

Steel won't be the only industry that suffers if China continues to enjoy its current access to our markets.

If we grant China PNTR, other vital U.S. industries will be harmed by China's dumping of cheap products.

China's continued dumping of cheap goods has contributed to our inflated trade deficit with China.

The United States is already too dependent on Chinese imports—which is the main reason for our extraordinarily high trade deficit with China.

Continued dumping of cheap products by China will further increase this deficit which today is over $68 billion and by 2010 is estimated to increase to $131 billion if we grant China PNTR status.

CHINA'S ABYSMAL TREATMENT OF ITS OWN PEOPLE

Even ardent supporters of granting China PNTR agree that China has a horrendous human rights record.

In fact, the State Department has recognized China as one of the worst offenders of human rights in the world.

Over the last 50 years, China has persecuted 80 million people.

The government continues to arrest political activists, suppress ethnic minorities and prohibit freedom of speech and religion.

The same leaders who negotiated this trade agreement, will not allow Chinese Catholics, Christians or Tibetan Monks the freedom of worship.

Even as we debate this agreement, China has plans to ''settle'' over 58,000 people in Tibet in an effort to further weaken the religion and culture of Tibet.

I agree with a statement that was recently brought to my attention by Cardinal William H. Keeler, the Archbishop of Baltimore.

He informed me that the United States Commission on International Religious Freedom in their assessment of China PNTR stated the following:

> While many Commissioners support free trade, the Commission believes that the U.S. Congress should grant China permanent normal trade relations only after China makes substantial improvement in respect to religious freedom.

I believe that China must also make substantial improvements to respect other fundamental human rights, whether it is gender equality or labor rights.

The evidence indicates that it has a long way to go on these fronts as well.

It is well known that China treats women as property rather than as individuals with fundamental human rights.

Family planning officials impose forced abortions or sterilizations on women to limit China's population growth.

China also fails to apply its domestic laws to protect women and children from being sold within China or to prevent them from being trafficked to

other countries, such as Thailand, Taiwan, Japan, Canada and even the United States.

It is also common knowledge that China exploits its workers.

Chinese workers are prohibited from forming or joining labor unions.

They cannot bargain collectively to improve their wages or their working conditions.

They are prohibited from advocating for workers' rights for themselves or on behalf of others.

Those Chinese workers who attempt to exercise any of these rights are often beaten and/or thrown in political prisons.

My colleagues in the House worked hard to create a Human Rights Commission in this legislation to maintain pressure on China to improve its human rights record.

Although this Commission could be useful in monitoring China's human rights record, it lacks enforcement power to ensure that China's record actually improves.

So long as China has permanent trade privileges with the United States it will lack any incentive to improve its human rights record.

We would have much more leverage over China if it sincerely believed that its trading privileges with the United States could be jeopardized each year because of its appalling human rights violations against its own citizens.

GRANTING CHINA PNTR STATUS WILL RESULT IN UNITED STATES ADOPTING AN INDEFENSIBLE DOUBLE STANDARD BOTH IN OUR RELATIONSHIP WITH OTHER COUNTRIES AS WELL AS IN OUR OTHER DEALINGS WITH CHINA

I've heard many of my colleagues say that trade will lead to democracy.

If this is true in China, why isn't it true in Cuba?

Many of the same people who support granting China PNTR status oppose every effort to increase trade with Cuba, even the sale of food and medicine.

Another serious inconsistency is in our treatment of family planning in China.

On the one hand, supporters of PNTR argue that granting China PNTR status will help improve China's human rights record.

But on the other hand, we deny funding for vital programs to improve the human rights situation in China for women.

For example, since 1979 we have either denied or limited our contribution to the United Nations Population Fund, UNFPA because it works with China.

We rightly criticize China's one child policy which results in forced abortion or sterilization to limit women to having only one child.

But we refuse to contribute to valuable efforts aimed to combat these barbaric practices.

We actively choose not to fund UNFPA programs that provide reproductive health and family planning education as well as improve the economic status and gender equality of women in China.

How can we consider granting China PNTR status and argue that it will help improve the human rights situation in China when we refuse to support efforts to protect and promote the fundamental human rights of women in China?

Mr. President, I believe in free trade as long as it's fair trade.

I've supported trade agreements that represents our national interest and our national values.

But this agreement does not meet these criteria.

Trade in itself does not yield democracy, human rights or stability.

These goals would best be achieved by a robust annual review.

In fact, access to the freedom of ideas on the Internet will do more to achieve these goals than a trade agreement ever could.

I will oppose granting China PNTR status.

I cannot support trade at any price—especially when the price is American security, American jobs and American values.

Mr. McCONNELL. Mr. President, it is an honor to rise today in support of H.R. 4444, a bill granting permanent normal trade relations to China. While there is considerable and legitimate debate on this measure, for this Senator it is a simple choice.

At its base, this is a common sense issue—does the United States want its businesses, its farmers, its manufacturers to have the same advantages that every other member of the Word Trade Organization will enjoy? Or, because of our desire to score political points, do we wish to shut out American interests and bar them from beneficial interaction with this enormous market?

As has been pointed out several times during the course of this debate, China already has full access to American markets. However, U.S. businesses do not have reciprocal access to Chinese markets. It's a one way street. A vote against H.R. 4444 would serve not to punish China for behavior we find distasteful but, rather, would forbid American industry and farmers from taking advantage of the agreements our Government worked for 13 years to secure. Let me repeat that.

Defeating PNTR would in no way force China to alter its behavior, it would however single out U.S. interests as ineligible from benefitting from hard-won concessions. That is an unacceptable alternative.

We all agree that our relationship with China is complex and evolving. The United States must remain strong and active in its pursuit of increased security and improved human rights in China. But, we will not be able to accomplish any of our goals if we decide to erect our own Great Wall, and refuse to interact with the Chinese people. Rather, by taking advantage of hard-won access we will be able to export not only American products, but, perhaps more importantly, American ideas and ideals.

The approach of merely wielding the stick has not proven effective and, therefore, it is time to engage with China on a different level. A level that will allow us new opportunities to improve not merely the bottom-line of American farmers and entrepreneurs, but the rights and freedoms of the Chinese citizens as well. In the end, I believe strongly that this will be the enduring legacy of this new relationship.

In all honesty, I do not enter this debate armed solely with high-minded objectives for improved relations and greater freedoms for the Chinese. No, I am blessed to be a U.S. Senator solely because the citizens of Kentucky have allowed me to hold this office, and, thus, I confess that it is also for parochial reasons that I am enthusiastic about our improving trade relationship with China.

Kentucky is home to more than 125,000 jobs that are supported by exports. That number has increased by 15,000 since the implementation of the North American Free Trade Agreement. I might add as an aside, Mr. President, that during debate of that historic agreement we heard many of the same sky-is-falling arguments which are being used during this debate. Well, they were wrong then, and they are wrong today.

Those 125,000 Kentucky workers were responsible for more than $9.6 billion in exported goods in 1999, a figure that has grown by $6 billion since 1993.

Yet, despite those impressive statistics, there is incredible room for growth in Kentucky's export economy. The latest available statistics show that Kentucky exported a mere $69 million worth of goods and services to China in 1999. By way of contrast, Kentucky export totals were more than $336 million to the Netherlands, $295 million to Belgium and $137 million to Honduras. It is astonishing that three countries whose total population is just over 30 million purchase more than 11 times the amount of goods from Kentucky than do China's 1.3 billion citizens. In short, a country with 124 times the population of Belgium should not be purchasing $200 million less in Kentucky products. Clearly, the United States must aggressively alter our relationship with China in order to reverse this perverse trend, and that is exactly what we propose to accomplish.

Kentuckians are calling for these changes and they have been outspoken in their support and clear in their understanding of what is at stake. I want to share with the Senate some of the persuasive arguments they have offered in support of action I hope we will shortly take.

I have heard from countless Kentuckians describing how normalizing our trade relations with China will improve their businesses. I heard from folks like Alan Dumbris. Alan is the plant manager of PPG Industries which manufactures coatings, glass chemicals and

fiber glass products. Here is how he framed the debate:

Here at the Berea, Kentucky facility, 140 associates work together to satisfy our customers while contributing over $6 million to the local economy. We believe that PNTR is good for PPG and good for our facility. . . . Without PNTR, PPG Industry's competitors will have preferential access to Chinese markets.

It is clear to me that Alan Dumbris understands this issue, and he's right on the mark. He sums it up clearly and concisely; if we refuse to grant PNTR to China, Americans will be forced to operate at a severe disadvantage from their international competitors. That is common sense, and that is why Alan agrees that we should send this bill to the President.

I also heard from Ronald D. Smith, President of Gamco Products Company in Henderson, KY. Gamco employs nearly 400 people in Henderson which is a small town on the banks of the Ohio River in western Kentucky. The employees at Gamco produce zinc die casting, which is used on faucets and other products. Here is how Ronald Smith of Henderson stated his support:

U.S. manufacturers, like us, deserve a fair chance at securing a portion of this business. The current business structures impede our success. China's accession to the WTO would have very positive benefits to our organization in the years ahead.

Again, I say that Kentuckians understand the issue clearly. What is at stake here is fundamental fairness and opportunity for Kentucky and American businesses.

But it is not merely manufacturers that contacted me with their unequivocal support for PNTR. The agriculture sector has been consistently enthusiastic in calling for improved access to Chinese markets for their products. And, as anyone who has followed the difficulties our farmers have faced over the last several years knows, the clearest opportunity for improving agriculture's bottom-line lies in expanding our exports.

Here, I would like to quote another Kentuckian. Steve Bolinger is the President of the Christian County Farm Bureau Federation, and he hits the nail on the head when he states:

This could be an excellent opportunity for Christian County considering we raise over 17,000 head of beef cattle. These farmers will surely benefit from the trade agreement as China has agreed to cut tariff rates from 45 to 25 percent on chilled beef. . . . Granting PNTR for China will not just benefit farmers in Christian County, it will benefit all of America and China.

I cannot improve on Steve's assessment.

There is a final, but vitally important issue relating to U.S.-China trade that I would like to take a few minutes to discuss. Kentucky's tobacco farmers are in desperate need of new markets for their product. I think its clear that China provides such a market—in fact, one might say there are 1.3 billion reasons for this Kentucky Senator to support PNTR. This potential market is music to the ears of my farming families who have been caught in the crosshairs of an unprecedented legal and political assault for the past seven years.

The importance of tobacco to Kentucky's economy cannot be overstated. I have been on this floor defending my tobacco farmers every year since I first came to the Senate 16 years ago. And, let me tell you, I long for those times when tobacco was not the pariah it has been shaped into over the past few years by an Administration bound and determined to put these farmers out of business.

And, as we all know, there is a lot of debate about the legacy of President Clinton and Vice President Gore. But, I think it is clear that their national war on tobacco has achieved devastating results. Just ask my tobacco farmers in Kentucky. In fact, for the very first time tobacco will not be Kentucky's largest agricultural money maker.

The past 7 years have been devastating to Kentucky's tobacco economy and farm families. The cold political calculations which went into demonizing tobacco during the previous Presidential campaign made clear that this Administration was not interested in what might happen to the impacted farmers. As a result of their efforts, quota has been cut so much that Kentucky's farm families are only growing one-third of what they produced just three years ago. This translates into real loss of income—not just low prices that will bounce back—quota cuts mean many Kentucky farmers won't be able to pay their bills.

That's why you saw me down here in 1999 and again this year, fighting to make sure tobacco farmers were, for the first time in history, included in our most recent agriculture economic assistance packages. Tobacco farmers are just farmers—it's not their fault that this Administration decided that they were politically dispensable and that their crop was now politically incorrect. Thanks to the Clinton-Gore Administration and their trial lawyer friends, 15,000 Kentucky tobacco farmers are now out of business. Again, that has had a real impact on Kentucky's rural communities. No money to buy tractors. No money to buy fertilizer. No money to buy seed. And even more devastating, in many cases, no money to pay the rent or buy the food or put shoes on a child's feet for school. Yet, despite this harsh reality, during the past seven years there has not been one request in any of the Clinton/Gore budgets for one dime to aid tobacco farmers. Regardless of one's opinion on tobacco, that fact is disgraceful.

But Kentuckians are optimistic by nature, and we haven't lost hope. We are looking for ways to move forward. We're looking east—we're looking Far East. China is one market that has the potential to buy our crop—and lots of it. And I'm doing all I can to get that market open and keep it open.

On June 6th of this year I met with Chinese Ambassador Li, and we discussed PNTR and the possibility of selling American tobacco, particularly Kentucky burley tobacco, to China. We are working through tough issues and the Chinese have now agreed to buy American tobacco. Through my relationship with Ambassador Li, I was able to arrange a meeting on June 16 between the Chinese Trade Minister/Counselor here in Washington, D.C. and representatives of the Burley Tobacco Grower's Cooperative Association, the Council for Burley Tobacco, the Kentucky Farm Bureau Federation and my staff.

I have encouraged the Burley Tobacco Growers Cooperative and the other Kentucky representative tobacco organizations to strongly pursue the Chinese market by meeting with representatives of China's tobacco interests. In fact, earlier this month, I joined the Burley Tobacco Grower's Cooperative and Kentucky's Farm Bureau in a meeting with members of China's Inspection and Quarantine Office who were in Kentucky to look over our tobacco crop.

Finally, I intend to help our Burley Tobacco Growers Cooperative arrange a trip to China for later this year. I plan to arrange meetings with government officials and tobacco buyers in China to establish the business relationships necessary for us to sell our product to China down the road.

Mr. President, if I might, I would like to quote one more Kentuckian. Donald Mitchell is a 38-year old, lifelong tobacco farmer from Midway, Kentucky whose family has been in the tobacco business for generations. He accurately sums up the potential of the Chinese market when he says:

I think voting for PNTR for China is an excellent chance to market our burley tobacco to the world's largest tobacco consumer. And, today we need every opportunity—and this is a major one.

Is Donald Mitchell suggesting that exporting tobacco to China is a guaranteed solution for Kentucky's farmers? No. But, he is correct in recognizing that this is an incredibly important first step. And I predict that once the Chinese get a shot at American tobacco, they are going to want more. This is the best new market in the world, and we're going to be in this for the long haul. We must work each year, first to begin, and then to increase, our sales there.

So, Mr. President, I close where I began. I recognize that there is room for legitimate debate on the subject of granting China Permanent Normal Trading Relations—but to this Senator—the issue is clear. I am going to support passage of this measure, because I am convinced it will provide Americans a level playing field that they have not yet enjoyed. Further, I am going to do everything in my power to take advantage of this improved relationship to assist Kentucky's tobacco farmers as they work to gain access to China's market.

Mrs. LINCOLN. Mr. President, I came to the floor earlier this week to express

my strong support for passage of the permanent normal trade relations legislation currently before the Senate. During the course of debate on this issue we have heard several points of view and have considered several amendments to the underlying legislation.

I would like to be abundantly clear for the RECORD that I am joining several of my colleagues that support passage of PNTR by voting against all amendments to this vital legislation. This does not mean that I do not support some of the amendments and initiatives that have been presented before this body. It is unfortunate that our time in the Senate has not been managed in a way that provides us with the adequate time to appropriately debate and amend a vital piece of legislation without running the risk of its complete demise.

I, along with many others, have been calling for Congress to take up and pass PNTR legislation since February of this year. We are nearing the end of this legislative session and, unfortunately, time is a precious commodity. We have a backlog of appropriations bills that must be completed prior to October 1st and any successful amendments to this bill could force a conference committee that would further stall and likely doom passage of this essential legislation.

Several of my colleagues have submitted a letter from over 60 agricultural related associations and corporations. I, too, received this letter and the same sentiment has been expressed to me by countless companies and associations, including Federal Express, Wal-Mart, United Parcel Service, Microsoft, the U.S. Chamber of Commerce, and many, many more industries concerned with expanding our market opportunities. In addition, I have heard from many of my constituents in Arkansas including rice farmers, wheat farmers, pork producers, soybean growers, and various other industries from across my State. All of them have urged the Senate to pass PNTR as soon as possible.

Many of us have worked to keep this bill clean in order to guarantee its passage and expedite its signature by the President. I am proud that we have achieved this goal, and I am proud that we are now positioned to take advantage of China's continually growing markets. I have no illusions about the rigid, Communist regime of China and I, along with others, want nothing less than to improve the quality of life for citizens of China. I know, however, that the surest way to encourage internal reforms is to open this country to western influence, private enterprise, and the opportunities that come with good old American capitalism.

Ms. COLLINS. Mr. President, international treaties and trade agreements are among the most complex issues to come before this body. Their complexity is increased by an order of magnitude when the country in question has a value system and history that are so unlike our own.

Despite the fact that China is a country old enough that its history is counted by centuries rather than by decades, I believe that there is still much that we do not understand about that nation—and that lack of understanding appears to run both ways. For instance, I simply cannot understand the attitude of the Chinese leaders on issues that we consider to be basic human rights—like religious freedom. Nor can I understand their previous reluctance to comply with the terms of international trade agreements.

As a result, I have found the decision on whether to vote to establish permanent normal trade relations with China to be one of the more difficult decisions I have made as a Senator. Ultimately, after much deliberation, I have decided that the opportunities afforded our nation by expanding the global marketplace and by supporting China's membership in the World Trade Organization make PNTR in the best interests of our nation. For the first time, this agreement will help ensure that China reduces trade barriers, opens its markets to American goods and services, and follows the rules of international trade.

Nevertheless, this is a close call. I remain deeply concerned about China's record on human rights and its involvement in creating instability in the world through the proliferation of weapons technology. Consequently, I supported numerous amendments such as Senator WELLSTONE's amendment on religious freedom and Senator HELMS' amendment relating to human rights. I was also proud to be a cosponsor and debate on behalf of Senator THOMPSON's nonproliferation amendment. Regrettably, the Senate did not adopt these amendments, but I hope that the lengthy and impassioned debate sent a message to China that we have not forgotten its record on human rights and nuclear proliferation.

I have also been concerned about the impact that granting PNTR would have on American jobs, particularly those in my home state of Maine. I have considered very carefully the concerns of those who have suggested that granting PNTR for China would have an adverse effect on some of our domestic manufacturers. In fact, I wrote to U.S. Trade Representative Charlene Barshefsky to express these concerns and to inquire about the import surge protections included in the U.S.-China bilateral agreement. Ambassador Barshefsky's reply, which I will enter into the RECORD, discusses the measures in the bilateral agreement that will provide vulnerable U.S. industries with protection from surges in Chinese imports. Were it not for these protections, which are stronger than those in place with other WTO members, I would likely have opposed passage of this legislation.

The agreement contains a textile-specific safeguard that provides protection from disruptive imports for our domestic producers three years beyond the expiration of all textile quotas in 2005 under the WTO Agreement on Textile and Clothing. I would also point out that, were we not to pass PNTR for China, our existing import quotas on Chinese textiles will expire at the end of the year with no hope of renewal through future negotiations with China.

Those on both sides of this issue have published reports that attempt to project the impact on jobs of granting China PNTR. Given the vast and completely conflicting findings, it was particularly difficult to judge the validity of these reports. An Economic Policy Institute analysis suggests that Maine would lose 20,687 jobs by 2010 were Congress to approve PNTR for China. Closer inspection of the EPI projections for Maine, however, reveal fatal flaws in the analysis, as the University of Southern Maine's respected economist Charles Colgan has pointed out. For example, the EPI numbers for Maine, when broken down by industry, project that Maine will lose 18,091 jobs in the shoe industry over the next ten years. Yet, according to Maine Department of Labor figures, Maine has only 5,800 jobs in the entire industry. This one discrepancy alone reduces by more than 12,000 the projected number of Maine jobs affected, an inaccuracy that calls into question the validity of the entire EPI analysis.

Conversely, the administration and industry groups have suggested that substantial export and job growth opportunities will accompany passage of PNTR. While these projections may be overly generous, I believe that PNTR represents, on balance, a net gain for my State. According to the International Trade Administration, Maine's exports to China increased by 58 percent from 1993 to 1998. Moreover, small and medium-sized businesses account for 63 percent of all firms exporting from Maine to China.

Maine Governor Angus King put it well when he said, ''The potential for increasing Maine's already dynamic export growth—and creating more and better jobs here at home—will only increase if we can gain greater access to the Chinese market.''

Maine's best known export may be our world-renowned lobster, but the lobster industry is but one of many natural resource-based industries that will benefit from China's agreement to lower tariffs and reduce non-tariff barriers to its market. The paper industry, which employs thousands of people in my State, supports PNTR because the agreement would result in a reduction in the current average Chinese tariffs on paper and paper products from 14.2 percent to 5.5 percent. The concessions made by China regarding trading rights and distribution also will provide new market access to products manufactured in the paper mills of Maine.

The potato industry, a mainstay of the northern Maine economy, is another example of a natural resource-

based industry that stands to gain from improved access to China's market. More and more, the potato farmers of Maine are delivering their products not only to grocery stores, but also to processing plants that produce items such as french fries and potato chips. Tariffs on these products are now a prohibitive 25 percent, but will be reduced under the agreement by about 10 percent. The Maine Potato Board has endorsed PNTR and expects to see a significant expansion in the global french fry market as a result of these tariff reductions.

The opening of China's markets also will benefit many of Maine's manufacturers. Companies such as National Semiconductor and Fairchild Semiconductor will benefit from the elimination of tariffs on information technology products and agreements to remove non-tariff barriers to the Chinese market. Pratt and Whitney, which manufactures jet engines in North Berwick, ME, is already a major exporter to China and considers PNTR a critical component for the future growth of its business. Moreover, enactment of PNTR will ensure that Pratt and Whitney can compete on equal footing with its European competitors to supply engines and parts for the 1000 commercial aircraft China will purchase by 2017.

My support for PNTR reflects my belief that Maine workers will excel in an increasingly global economy. In Bangor, for instance, the community is developing the Maine Business Enterprise Park. The park is projected to create 2,500 new jobs in technology-intensive industries by providing new and expanding companies with the space and trained workforce needed for success and growth. Undoubtedly, the Chinese market will be a destination for some of the technology products and will help support Maine's transition into the new economy.

Extending PNTR to China advances the cause of free trade, opens China and its market to international scrutiny, and binds it economically to the rules governing international trade. Ultimately, I believe we need to take advantage of the economic opportunities that PNTR represents for our Nation. Therefore, I will vote to grant PNTR to China.

At this point, Mr. President, I ask unanimous consent that a letter from Ambassador Barshefsky expounding upon the protections contained in the bilateral agreement be printed in the RECORD. I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,

Washington, DC, September 7, 2000.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: Thank you for your letter requesting information about our agreement with China on World Trade organization (WTO) accession relevant to the concerns of the U.S. shoe and textile industry and Maine's workers.

We believe that a number of provisions of our bilateral agreement and WTO accession generally will increase market access for Maine's exports to China and likely benefit Maine's farmers, workers, and industries. In the agricultural sector, U.S. farmers no longer will have to compete with China's subsidized exports to other markets. China has also agreed to eliminate sanitary and phytosanitary barriers that are not based on sound scientific evidence. In addition, exporters will benefit from obtaining the right to import and distribute imported products such as fish, fishery products, and lobsters in China and from tariff cuts on potatoes, potato products, and dairy products. Maine's key export sectors will benefit from reduced tariffs in China, strong intellectual property protection and improved trade rules protecting U.S. industries against unfair trade practices including:

Tariff elimination for information technology products;

Major tariff reductions for paper, wood products, construction equipment, heating equipment, leather products, footwear machinery, footwear and parts;

Low tariffs for most chemicals at WTO harmonization rates;

Elimination of import restrictions for construction equipment and footwear machinery.

The agreement will also open the Chinese market to a wide range of services, including telecommunications, banking, insurance, financial, professional, hotel, restaurant, tourism, motion pictures, video distribution, software entertainment distribution, periodicals distribution, business, computer, environmental, and distribution and related services. More detailed information on improved market access for specific sectors can be found at the USTR website www.ustr.gov.

The bilateral WTO accession agreement also provides for substantial improvements in access for our shoe and textile products to the Chinese market. In addition to phasing in import rights for our companies, China will permit them to distribute imports directly to customers in China. The Agreement also will reduce China's tariffs on textiles and apparel products from its current average tariff of 25.4% to 11.7%—which will be lower than the U.S. average tariff at the time reductions are completed by January 1, 2005. For shoes and shoe components, China's current average tariff of 25% will be reduced to 21% by January 1, 2004. U.S. producers believe that there are significant opportunities for US exports of textile products such as high volume, high quality cotton and manmade fiber yarns and fabrics, knit fabrics, printed fabrics; branded apparel, sportswear and advanced speciality textiles used in construction of buildings, highways and filtration products to China.

In addition to increased market opportunities for Maine's workers and industries, China's accession to the WTO will include measures to address imports that injure U.S. industries, including the textile and footwear industries. Among these measures are two ''special safeguards,'' one of which is specifically for textiles. The textile and apparel industries have recourse to both the special textile safeguard and the product specific safeguard. The special textile safeguard is available until the end of 2008—four years after quotas otherwise expire under the WTO Agreement on Textiles and Clothing. This can be used by the textile industry to protect the market from disruptive imports in the same manner as under our longstanding bilateral agreements; there has been no change in the criteria for using this safeguard and it is a known quantity for the industry.

The more general product-specific safeguard is also available and will allow us to impose restraints focused directly on China in case of an import surge based on a standard that is easier to meet than that applied to other WTO Members. This protection remains available for a full 12 years after China's WTO accession. A more detailed description of these two safeguard measures is attached to this letter.

In addition to these two safeguard mechanisms, we believe that existing U.S. trade laws, as augmented by the provisions of the November 1999 bilateral agreement (including the provisions of H.R. 4444), provide adequate means to address the shoe and textile industries' concerns about imports from China. In particular, we would note that the agreement allows the United States to continue to use existing NME provisions with respect to China for 15 years after China's entry into the WTO. Lastly, when China becomes a member of the WTO, the United States will be able to ensure that China abides by its commitments under the Agreement on Subsidies and Countervailing Measures which are clarified in our bilateral agreement. When we determine that an industry is market oriented or that China is no longer a non-market economy, U.S. countervailing duty law will apply.

When China accedes to the WTO, the bilateral quotas currently in force with China will be incorporated into the WTO Agreement on Textiles and Clothing (ATC). As of January 1, 2005, in accordance with the agreements reached as part of the Uruguay Round, all textile quotas will be eliminated, however, additional protections have been incorporated into the agreement for the benefit of the U.S. industry. For example, in addition to the two safeguard mechanisms, the U.S. established low annual quota growth rates, which will be the base for quota growth during the ATC phase-out period. China's weighted average annual growth rate is presently 0.9722 percent, compared to a figure for WTO Members of 9.1231 percent. Additionally, it is anticipated that any increase in imports from China would come primarily at the expense of other restricted suppliers. Finally, China's undertakings to prevent illegal textile transshipment, and our strong remedies should transshipment occur, including the ''triple charge'' penalty, will continue to apply under the ATC regime.

With regard to the Economic Policy Institute's (EPI) study, a policy brief written by the Institute for International Economics, ''American Access to China's Market: The Congressional Vote on PNTR,'' clearly refutes the methodology and conclusions of the study, especially its questionable correlation of a bilateral deficit with unemployment. In addition, the EPI study purports to be based on the U.S. International Trade Commission's (ITC) China report that actually suggests substantial benefits for American workers, farmers and companies, despite underestimating the benefits of granting PNTR. For example, the ITC's calculations did not factor in the effects of vital reductions in restrictions on the right to import and distribute, reductions in restrictions on trade in services, or reductions in Chinese non-tariff barriers. Nor did the ITC's calculations factor in China's anticipated economic growth and ongoing economic reforms. Despite underestimating the benefits of China's accession to the WTO, the ITC's limited model nonetheless finds that China's entry into the WTO will lead to higher incomes in the United States and a decrease in our overall global trade deficit. In simulations of the effects of China's April 1999 tariff offer, the ITC reports that U.S. GDP rises by $1.7 trillion and our overall trade deficit decreases by $800 million. Finally, in a letter to EPI,

the Director of Operations of the ITC stated that the EPI study in several ways misrepresents the work and the findings of the ITC's analysis.

I hope that this reply addresses your concerns. If you have any further questions, we would be happy to address them.

Sincerely,

CHARLENE BARSHEFSKY.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, there are no further amendments in order to H.R. 4444. Therefore, the 6 hours of debate time remain. It is my understanding that the debate time will be consumed tomorrow and Monday. Therefore, there are no further votes this evening. The next vote will be on Tuesday at 2:15 p.m. on passage of H.R. 4444.

I ask unanimous consent that all debate time allotted in the previous consent agreement be consumed or considered used when the Senate convenes on Tuesday, with the exception of 90 minutes for each leader to be used prior to 12:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Mr. GRAMS. 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOY SCOUTS OF AMERICA

Mr. THURMOND. Mr. President, yesterday, the House of Representatives voted on a bill which would have repealed the Federal charter of the Boy Scouts of America. Fortunately, the bill received a mere twelve votes. However, even the consideration of such an absurd proposal concerns me tremendously.

I recognize that traditional values and institutions which uphold those values are under attack and considered out of date by some elements of our society. Unfortunately, the Boy Scouts of America is one of many fine organizations being challenged.

The Boy Scouts embody the beliefs on which the very foundation of this country was built. Since its inception in the early 1900s, this fine American institution has taught the young men of our Country about the importance of doing one's duty to God, of serving others, and of being a responsible citizen, and has in turn provided this Nation with countless distinguished leaders.

I find it disappointing that at a time when the United States is in critical need of organizations that teach our youth character and integrity, some would choose to attack the Boy Scouts of America. Few fail to recognize the hurdles today's adolescents face. Confronted by obstacles that were unimaginable in my day, Boy Scouts provides young people with the knowledge, self confidence and willpower to do what is right in difficult situations.

I commend the Boys Scouts of America for its dedication to our youth, and reaffirm my commitment to its preservation.

MICROSOFT LITIGATION

Mr. BENNETT. Mr. President, I wish to call to the attention of my colleagues an article that appeared on September 1 in the Washington Post, written by Charles Munger, who is the vice chairman of Berkshire Hathaway, on the issue of the Microsoft litigation and the impact that will have in the marketplace.

As I have considered this particular issue, as I pointed out to my colleagues, I come to the Senate unburdened with a legal education but with a background in business. Here is a businessman commenting on the implications of this litigation in a way that I think others might find interesting.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 1, 2000]

A PERVERSE USE OF ANTITRUST LAW

(By Charles T. Munger)

As best I can judge from the Microsoft antitrust case, the Justice Department believes the following: that any seller of an ever-evolving, many-featured product—a product that is constantly being improved by adding new features to every new model—will automatically violate antitrust law if: (1) it regularly sells its product at one all-features-included price; (2) it has a dominant market share and (3) the seller plays ''catch-up'' by adding an obviously essential feature that has the same function as a product first marketed by someone else.

If appellate courts are foolish enough to go along with the trial court ruling in the Microsoft case, virtually every dominant high-tech business in the United States will be forced to retreat from what is standard competitive practice for firms all over the world when they are threatened by better technology first marketed elsewhere.

No other country so ties the hands of its strongest businesses. We can see why by taking a look at America's own history. Consider the Ford Motor Co. When it was the dominant U.S. automaker in 1912, a small firm—a predecessor of General Motors—invented a self-starter that the driver could use from inside the car instead of getting out to crank the engine. What Ford did in response was to add a self-starter of its own to its cars (its ''one-price'' package)—thus bolstering its dominant business and limiting the inroads of its small competitor. Do we really want that kind of conduct to be illegal?

Or consider Boeing. Assume Boeing is selling 90 percent of U.S. airliners, always on a one-price basis despite the continuous addition of better features to the planes. Do we really want Boeing to stop trying to make its competitive position stronger—as it also helps travelers and improves safety by adding these desirable features—just because some of these features were first marketed by other manufacturers?

The questions posed by the Microsoft case are (1) What constitutes the impermissible and illegal practice of ''tying'' a separate new product to a dominant old product and (2) what constitutes the permissible and legal practice of improving an existing one-price product that is dominant in the market.

The solution, to avoid ridiculous results and arguments, is easy. We need a simple, improvement-friendly rule that a new feature is always a permissible improvement if there is any plausible argument whatever that product users are in some way better off.

It is the nature of the modern era that the highest standards of living usually come where we find many super-successful corporations that keep their high market shares mostly through a fanatical devotion to improving one-price products.

In recent years, one microeconomic trend has been crucial in helping the United States play catch-up against foreign manufacturers that had developed better and cheaper products: Our manufacturers learned to buy ever-larger, one-price packages of features from fewer and more-trusted suppliers. This essential modern trend is now threatened by the Justice Department.

Microsoft may have some peculiarities of culture that many people don't like, but it could well be that good software is now best developed within such a culture. Microsoft may have been unwise to deny that it paid attention to the competitive effects of its actions. But this is the course legal advisers often recommend in a case such as this one, where motives within individuals at Microsoft were mixed and differed from person to person. A proper antitrust policy should not materially penalize defendants who make the government prove its case. The incumbent rulers of the Justice Department are not fit to hold in trust the guidance of antitrust policy if they allow such considerations of litigation style to govern the development of antitrust law, a serious business with serious consequences outside the case in question.

While I have never owned a share of Microsoft, I have long watched the improvement of its software from two vantage points. First, I am an officer and part owner of Berkshire Hathaway Inc., publisher of the World Book Encyclopedia, a product I must admire because I know how hard it was to create and because I grew up with it and found that it helped me throughout a long life.

But despite our careful stewardship of World Book, the value of its encyclopedia business was grossly and permanently impaired when Microsoft started including a whole encyclopedia, at virtually no addition in price, in its software package. Moreover, I believe Microsoft did this hoping to improve its strong business and knowing it would hurt ours.

Even so, and despite the huge damage to World Book, I believe Microsoft was entitled to improve its software as it did, and that our society gains greatly—despite some damage to some companies—when its strong businesses are able to improve their products enough to stay strong.

Second, I am chairman and part owner of Daily Journal Corp., publisher of many small newspapers much read by lawyers and judges. Long ago, this corporation was in thrall to IBM for its highly computerized operation. Then it was in thrall to DEC for an even more computerized operation. Now it uses, on a virtually 100 percent basis, amazingly cheap Microsoft software in personal computers, in a still more highly computerized operation including Internet access that makes use of Microsoft's browser.

Given this history of vanished once-dominant suppliers to Daily Journal Corp., Microsoft's business position looks precarious to me. Yet, for a while at least, the pervasiveness of Microsoft products in our business and elsewhere helps us—as well as the courts that make use of our publications—in a huge way.

But Microsoft software would be a lousy product for us and the courts if the company were not always improving it by adding features such as Explorer, the Internet browser Microsoft was forced to add to Windows on a catch-up basis if it didn't want to start moving backward instead of forward.

The Justice Department could hardly have come up with a more harmful set of demands than those it now makes. It it wins, our country will end up hobbling its best-performing high-tech businesses. And this will be done in an attempt to get public benefits that no one can rationally predict.

Andy Grove of Intel, a company that not long ago was forced out of a silicon chip business in which it was once dominant, has been widely quoted as describing his business as one in which ''only the paranoid survive.'' If this is so, as seems likely, then Microsoft should get a medal, not an antitrust prosecution, for being so fearful of being left behind and so passionate about improving its products.

NUCLEAR WASTE STORAGE

Mr. BENNETT. Mr. President, I rise to address an issue that is of great concern to the people of my State, and, I think beyond the parochial issue, the people of the country as a whole.

Private Fuels Storage is in the process of seeking a license to store nuclear waste on the Goshute Indian Reservation in the State of Utah. Their application seeks a 20-year license with the option of extending it for an additional 20 years. This is being described as an ''interim storage'' place for nuclear waste. I have been silent on this issue up until now. But I have decided to take the floor and announce my opposition to this storage for two reasons, which I will outline. One is something that requires further study and might be dealt with, but the second and more powerful reason for my opposition is a permanent policy issue.

Let me address the perhaps less important issue first. But it is an important issue that requires consideration; that is, the location of this particular site with respect to the Utah Test and Training Range.

One of the things most Americans don't realize is that we require the Air Force to train over land. There are very few training ranges that will allow aircraft to train over land. Much of the training that takes place in the Armed Forces takes place over the water, but it is not the right kind of training experience for pilots to always have to fly over water.

The Utah Test and Training Range has a long history of service to our Nation's military. It was there that the pilots trained for the flights over Tokyo in the Second World War. Indeed, it was there that the crew of the plane that dropped the atomic bomb on Hiroshima was trained.

The proposal for the storage site at the Goshute Indian Reservation is in a location that will affect the flight pattern of Air Force pilots flying over the Utah Test and Training Range. I have flown that pattern myself in a helicopter provided by the military, and I have seen firsthand how close it is to the proposed nuclear waste repository.

There are people at the Pentagon who have said the flight path will not be affected; everything is fine. I have learned during the debate over the base realignment and closure activity that sometimes what is said out of the Pentagon is more politically correct than it is substantively correct. I have talked to the pilots at Hill Air Force Base who fly that pattern, and they have told me, free of any handlers from the Pentagon, that they are very nervous about having a nuclear waste repository below military airspace that will require them to maneuver in a way that might cause danger, and could certainly erode the level of the training that they can obtain at the Utah Test and Training Range.

I do not think we should move ahead with certifying this particular location until there has been a complete and thorough study of the impact of this proposal on the Utah Test and Training Range and upon the Air Force's ability to test its pilots.

That, as I say, is the first reason I rise to oppose this. But it is a reason that is subject to study, analysis, and examination, and may not be a permanent reason.

The second reason I rise to oppose this is more important, in my view, than the first one. I want to deal with that at greater length.

Let us look at the history of nuclear waste storage in the United States. The United States decided 18 years before a deadline in 1998 that the Department of Energy would, in 1998, take responsibility for the storage of nuclear waste. That means that through a number of administrations—Republican and Democrat—the Department of Energy has had 18 years to get ready to deal with this problem. Current estimates are that the Department of Energy is between 12 and 15 years away from having a permanent solution to this problem. I do not think that is an admirable record—to have had 18 years' notice, miss the deadline, and still be as much as 15 years away from it.

The deadline is now 2 years past, and we are no closer to getting an intelligent long-term solution to this problem than we were. Perhaps that is not true. Perhaps we are closer in this sense: That a location has been identified. Up to $8 billion, or maybe even as much as $9 billion, has been spent on preparing that location as a permanent storage site for America's nuclear waste. We are no closer politically to being ready for that. We perhaps are a good bit closer in terms of the site.

I am referring, of course, to the proposed waste repository at Yucca Mountain in Nevada, on the ground that was originally set aside and used as the Nevada Test Site. Many times people forget that. The Nevada Test Site is where we tested the bombs that were dropped elsewhere, and the bombs went into our nuclear stockpile. So the ground at the Nevada Test Site has already been subjected to nuclear exposure. The seismic studies have been done, and Yucca Mountain has been found to be the most logical place to put this material on a long-term basis. Twice while I have been in the Congress we have voted to move ahead on that, and twice the President has vetoed the bills.

Against that background comes this proposal to build an interim storage site in the State of Utah on the reservation of the Goshute Indians adjacent to the Utah Test and Training Range.

This is my reason for opposing that so-called interim site: I do not believe that it will be interim. I do not believe that. If we start shipping nuclear material to the Goshute Reservation in Utah, that gives the administration and other politicians the opportunity to continue to delay moving ahead on Yucca Mountain.

Now, how much Federal money has been spent preparing the Goshute Indian Reservation to receive this? Virtually none, compared to the between $8 and $9 billion that has been spent on Yucca Mountain.

There will be one delay after another if this thing starts in Utah. People will say: We don't need to move ahead on Yucca Mountain; we have a place we can put it in the interim. The interim will become a century, or two centuries, while the Government continues to dither on the issue of Yucca Mountain.

I am in favor of nuclear power. I believe it is safe. I believe it is essential to our overall energy policy. I am in favor of the Energy Department's fulfilling the commitment that was made in 1980 that said by 1998 the Department of Energy will have a permanent storage facility. I believe we have identified that facility through sound science, through expenditure of Federal funds, through every kind of research that can be done, and we are ignoring, for whatever political reason, the opportunity to solve this problem at Yucca Mountain while we are talking about an interim solution at the Goshute Reservation.

It is simply not a wise public policy to say that since we cannot solve the permanent problem, we will find a backdoor way for a stopgap interim solution. The stopgap interim solution

will become a permanent solution without the plan, without the analysis, and without the expenditures that have already gone into the permanent solution that is available.

Therefore, for these two reasons, I announce my opposition to the depository on the Goshute Reservation in Utah. I am sending a letter to the Nuclear Regulatory Commission asking that they extend the time for another 120 days for public comment on their proposal to proceed with this license. I think the first reason that I have cited alone justifies that extension of time because there has not been sufficient analysis of the impact of this proposed facility on the Utah Test and Training Range. I hope in that 120-day period we can get that kind of analysis.

The second more serious reason will still remain. I hope in that 120-day period we can begin to approach that, as well.

I thank the Senators for their courtesy in allowing me to proceed on this issue. It relates directly to the State of Utah, but I think in terms of the impact on nuclear power as a whole, it is an issue about which the entire Nation should be concerned.

I yield the floor.

DR. WEN HO LEE

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the extraordinary case of Dr. Wen Ho Lee who was released from custody yesterday by the Federal judge saying that Dr. Lee was owed an apology because of major mistakes made by ranking officials at the Department of Justice and the Department of Energy. This matter has been the subject of oversight inquiry by the Judiciary subcommittee, which I chair. Our inquiry began last October and ended in early December at the request of the Director of the FBI so that it would not interfere with the pending prosecution of Dr. Lee.

There are many questions which arise from what has happened since—especially the dramatic comments of Judge Parker yesterday that Wen Ho Lee was owed an apology, and that blame lay at the doorsteps of the top officials in Justice and Energy.

The questions which need to be explored are:

What evidence or what factors were there which led to Dr. Lee's detention and solitary confinement for some 9 months?

What did the Department of Justice and the Department of Energy do by way of their investigation?

What were the specifics where the key FBI witness changed his testimony from an earlier hearing where he said Dr. Lee was deceptive, to a later hearing where he omitted that very important fact which led to Wen Ho Lee's detention?

Was there any racial profiling in this case?

How did the Department of Justice focus on Dr. Lee?

Those are among the many questions to be answered in an oversight hearing which our subcommittee is attempting to schedule now for the week of September 25.

The inquiries which we have already made have suggested that there was significant reason for the FBI to conduct the investigation. Dr. Wen Ho Lee is entitled to the presumption of innocence like every American. And on this date of the report, he is presumed innocent, and he is, in fact, innocent. But on this date of the record, the Department of Justice has convicted itself of absolute incompetence. Let me be very specific about why.

Director Louis Freeh sent his top deputy, John Lewis, to talk to Attorney General Janet Reno in August of 1997 to request a warrant for Dr. Lee under the Foreign Intelligence Surveillance Act. There was a statement of probable cause which was very substantial which justified the issuance of that warrant to gather further evidence. Attorney General Reno referred that matter to a man named Daniel Seikaly in her department, a person who had never handled a warrant under the Foreign Intelligence Surveillance Act.

The wrong standard was applied, and the FBI was turned down notwithstanding the top deputy, John Lewis, having been sent there by Director Freeh. Then, inexplicably, for the next 16 months, the FBI did not conduct any investigations. Some memoranda were transmitted between Washington, DC, and Albuquerque, NM, but the case lay dormant.

It is really hard to understand why the case would lie dormant when the FBI had been so arduous in asking for the warrant under the Foreign Intelligence Surveillance Act. But then, in late December of 1998, it was known that the Cox committee was about to publish its report and was said to be highly critical of the way the Department of Justice and the Department of Energy handled the Wen Ho Lee case.

Then the Department of Energy initiated a polygraph of Dr. Lee on December 23, 1998, conducted by an outside agency—not by the FBI but by Wackenhut. The Wackenhut contractors told the FBI that Dr. Lee passed the polygraph but did not give the FBI agents the polygraph charts or the videotape of the interview.

On January 17 of 1999, the FBI conducted an interview with Dr. Lee to close out the case. But then, on January 22, 5 days later, the FBI finally received the complete record of the December 23 polygraph and began to question the Wackenhut interpretation of the results.

Without going into more of the details in the limited time I have at the moment—there will be more time to amplify this statement later in the subcommittee hearings—Dr. Lee was not terminated until March 8. The search warrant was not issued until April 9 in the context of substantial evidence of deletions and downloading. There are very significant questions for the Department of Justice to answer as to why the warrant was not issued under the Foreign Intelligence Surveillance Act, why the investigation was not made by the FBI from August of 1997 to December of 1998, why Dr. Lee was kept on the job in the face of downloading very substantial classified matters.

The issues about his retention require very serious oversight. There are all the appearances that the FBI's failure to handle the matter properly, the Department of Justice's failure to handle the matter properly, through the disclosure by the Cox committee in January of 1999, and the ultimate firing, the ultimate search warrant, suggest that the Department of Justice really threw the book at Dr. Lee to make up for their own failings. But there needs to be a determination on oversight as to the justification for keeping Dr. Lee in solitary confinement. When the judge finally suggested that he was going to release Dr. Lee to house arrest, the Federal Government put out an objection to his having any contact with his wife, which was really extraordinary.

Then suddenly, on a plea agreement, on one of 59 counts under the indictment, according to the Department of Justice, it is OK to release Dr. Lee on the plea bargain. There was no fine, no jail time on the conviction, only a debriefing. There is a real question as to how meaningful that is since those materials are customarily offered on a tender by Dr. Lee's counsel before the plea bargain is entered into.

These are some of the issues which our Judiciary subcommittee will be looking into on oversight, both as to the Department of Justice and the Department of Energy. When a Federal judge says that America owes Dr. Lee an apology, the details have to be determined. When the FBI makes representations that Dr. Lee poses a threat to the security of the United States, and that the information he has downloaded could lead to the defeat of our military forces worldwide, those assertions need to be investigated as a matter of oversight. How did the Department of Justice move from those very serious allegations to a statement, in effect, that let the matter go, without a fine, without a jail sentence, with only probation on a single one of 59 counts.

The handling of these espionage matters is of great import. The subcommittee is nearing completion of a report on Dr. Peter Lee, who confessed to providing information to the People's Republic of China on nuclear secrets and submarine detection. These are matters which require congressional oversight. Our Judiciary subcommittee will undertake just that.

I yield the floor.

Mr. GRAMM. Mr. President, like most people this morning, I read the headline ''Physicist Lee Freed With Apology.'' I want to comment on this.

I want to be careful about what I say because I am angered and embarrassed about what has happened to one of our fellow Americans.

For the last few months I have been troubled by the case of Wen Ho Lee. I have been troubled because I have had the deep suspicion that Dr. Lee was a victim of scapegoatism by the Justice Department and by the Energy Department. But I tried to follow the old adage we all learn from our mamas—that when you do not have the facts, wait until you get the facts before you have something to say. Today we have the facts. The facts are that the Federal judge in this case said—talking about Janet Reno, the Attorney General of the United States of America, and Bill Richardson, the Secretary of Energy—and I quote the Federal judge:

> They did not embarrass me alone. They have embarrassed our entire nation and each of us who is a citizen of it.

Let me say they certainly embarrassed me. It seems to me that what happened was we had a terrible breach of security. Our Energy Department was asleep at the switch when the nuclear secrets of this country were stolen. That was raised to a level of public awareness. Rather than going out and finding the person who was guilty of stealing these secrets, it now appears that what the Justice Department did, to its great shame and our embarrassment, is engage in racial profiling to identify an Asian American of Chinese ancestry, Dr. Lee, and to use him as a scapegoat for the failure of this administration to protect American national security.

This individual citizen ended up month after month in solitary confinement, having been charged in a 59 count indictment, and then when it was clear that there was no case, they plea bargained to release him on a minor offense. I say ''minor'' only as compared to the selling of nuclear secrets of the United States to the Chinese, or giving such information to them. Dr. Lee transferred secure data to a nonsecure source, a charge for which John Deutch, in a much higher position of government in this administration, was never prosecuted.

In return for admitting guilt to this charge, this man, who was denied his freedom and who was on the verge of having his life ruined, is now exonerated by a Federal judge. I would like to say this:

First of all, I don't understand an administration that stands up and damns racial profiling and yet engages in it when it suits their political agenda.

I don't understand scapegoating when you are talking about a man's freedom and when you are talking about a man's life.

I think if our Attorney General, Janet Reno, had any honor and any shame, and I think if Bill Richardson had any honor and any shame, they would resign as a result of this outrage to the American people.

The idea that this man was in solitary confinement month after month, deemed a public enemy, and vilified, it seems to me, at least, based on everything we know—and it seems if the Justice Department had any facts, they would have presented them to this court and to this judge—because of his race. I think it is an outrage. And I think an apology is due from the President of the United States.

I think this is a terrible wrong and an outrage. I have for months been suspicious that this was happening, but I didn't want to say anything until we had the facts.

I hope my language hasn't offended anybody. But I just do not understand people who, to get political cover for their own failings, don't seem to care that we are talking about the life of a real person. Our system is not based on my rights, or Bill Clinton's rights, it is based on the rights of each individual citizen.

The idea that this man has had his good name and his family so attacked and has been in solitary confinement when the only thing the Justice Department ended up getting him to plea bargain on was that he took material out of a secure setting to a nonsecure setting when another official of this Government, by his own admission, did exactly the same thing and was never prosecuted—this is a terrible outrage.

I just didn't feel comfortable not saying something about it. I just wanted to go on RECORD as saying that there is something very wrong in America. This is not the America I grew up in when this kind of thing happens. Somebody in the Senate needed to say something about it. I decided that was me.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, could I respond in the most emphatically sympathetic and supportive way to the statement of the Senator from Texas.

In 1993, this Congress passed legislation to create the Commission on Protecting and Reducing Government Secrecy in the United States. We had a fine commission. Senator HELMS and I represented the Senate, and in the House, LARRY COMBEST and Lee Hamilton, and John Deutch of the CIA. The commission came up with a unanimous finding.

We began with the proposition—and I can say to a fellow academic; he will recognize it—Max Weber set forth that secrecy is the natural weapon of a bureaucracy against the parliament and against the other agencies of the political system. We found the most extraordinary things. I later wrote about this.

In December 1946, a brilliant crypto analyst at Arlington Hall Girl's School, not far from the Pentagon, and broke the first of the Soviet KGB codes. These are one-time pads. You ''can't break them'' but they got a little careless, used once or twice. There were the names of all the physicists at Los Alamos, the principal ones. A measure of the extent of the KGB operation in this country? As our crypto analyst worked along, an Army corporal cipher clerk handing him pencils, coffee, whatever, an Army corporal cipher clerk, a KGB spy. In very short order, the KGB knew we were breaking their code.

Then, of course, Kim Philby was at the British Embassy and we shared some of these findings with the British—we probably still do. Then he defected. In no time at all, they knew that we knew, and we knew that they knew that we knew.

People might be interested to learn, who was the one person in the U.S. Government who did not know? The President of the United States. On whose orders was this the case? Omar Bradley, Chairman of the Joint Chiefs of Staff. This is Army property. I guess he had a sense that if he said, ''Give everything to the White House,'' it gets out.

President Truman never knew any of these things.

With the exceptions of the Rosenbergs, none of these persons were ever prosecuted. One of them, the most important, Hall, teaches physics at Cambridge University in England, and comes back and forth to this country. He had been part of that tremendous effort. He was from an immigrant family living in Manhattan, went to Queens College. They spotted him at Queens College, and they sent him up to Harvard. Then he was sent to Los Alamos. He was never prosecuted because to prosecute, it must be stated where we got the information and so forth.

Secrecy can be so destructive to the flow of information that is needed. It will continue long after there is any conceivable need for secrecy. We estimated recently that the classified documents we have in place now would be 441 times stacked up the height of the Washington Monument.

A trivial example, but a characteristic example, President Ford at one point had in mind that I might be Librarian of Congress. I was in India, leaving the post as Ambassador and had a cable exchange with the head of personnel in the White House. I was going back through Peking, staying with the Bushes, stopped at Pearl Harbor, and then would be here. An historian writing about the Library of Congress—an interesting post; there have only been seven or eight in our history—picked this up and went to the Ford Library. Yes, there is information; but no, she couldn't see it, it was classified. It took months to get the cable to Washington declassified.

One could argue that there was good reason to keep that classified for seven days, but 30 years later? That is a pattern. It is a pattern that the people who deal with these things as classified don't know the material, the subject matter; they don't know the physics taught to first-year graduate students

at MIT, but information is still classified ''top secret, no form,'' in some bureaucracy in Washington. The absolute standard operating procedure is to classify something ''Top secret'' and then send it to the President in the hopes that it will get on his desk if it looks really enormous.

There are endless examples of clippings from Newsweek magazine stamped ''Confidential.'' Just a bureaucratic mode.

The idea that Dr. Lee was imprisoned is hard to understand. Solitary confinement, worse. But leg irons? There were leg irons so one could not run off to Mexico. Obviously, much needs to be explained.

I say also for Dr. Deutch, this is a man of utmost patriotism. What was his offense? I don't think it is a crime at all. He took work home with him. After dinner he would sit down and work. There is a penalty for that, and he accepted it. He has had all his clearances removed, which is a heavy price for a scientist, but he has accepted that. The idea that he has done anything wrong beyond that is to say to people: Don't go near the clandestine services of the United States, don't go near the atomic laboratories.

I have no standing as a scientist, but I was a member of the President's Science Advisory Committee, and I am a fellow of the American Association for the Advancement of Science, and having been a member of the board and vice president at one point, I can say I know a fair number of scientists. Their postdoctorate students don't want anything to do with the Federal laboratories.

If you want to do something to the national security of the United States, keep the best minds out of the weapons labs. That will do it faster than any transfer of information, which has a half-life of nine months before others catch up or they think it up on their own.

I can speak to this. For example, with atomic secrets, we have a wonderful person, a great man, Hans Bethe, who was standing alongside Oppenheimer at Los Alamos. A man of luminous intelligence. There is nothing that he is more skeptical about than the idea of keeping physical science secret. He tells the story that after the atomic bomb was detonated, he and the other physicists involved said: All right, but no hydrogen bomb. No, that is too much.

And there was the further advantage:

> And thank God, nobody knew how. It was not possible to make one. It can't be done. The physics just won't work.

And then he said: Stanislaw Ulam and Edward Teller figured out how it could be done.

And we said: Oh, Lord, if Ulam can think of it, Sakharov will think of it. So we had better go through with it.

He and Oppenheimer said:

> You have to go through to a hydrogen bomb because science is not in a box that you can put in a closet.

I also want to say on this floor that I have not known a more patriotic man than John Deutch; absolutely committed to this country's security. Provost at MIT, a physical chemist, a man of great science, who made the error of working after supper at home. Nothing was ever transferred to anybody. He was working. What do I do in the morning? That kind of thing. And the very idea we would try to punish him for that is to put, I say, in jeopardy the whole reputation of American classified science and clandestine service. We do that at a great cost, which you will not recognize for half a century, perhaps. But it will come.

I thank the Senator from Texas for what he has said. I appreciate his indulgence in what I have joined him saying.

I see my colleague seeks recognition. I yield the floor.

PRESCRIPTION DRUGS

Mr. FRIST. Mr. President, I rise to speak briefly on an issue which has been talked about on the floor of the Senate this morning, and that is prescription drugs.

We all hear the critical cry—I say ''cry'' because it is almost that—as we talk to seniors across this country who say: We need some help; these drugs cost too much; they are out of our reach; we need help.

What is interesting is this is not heard from everybody. It is principally from a group of people who don't have access to affordable prescription drugs, and now we are charged as a body to develop a policy to ensure, to guarantee that coverage and getting it as quickly as we can to those people who need it, who are crying out now.

This past year I received over 3,000 letters or e-mails from seniors in Tennessee on this very topic. What did I hear? One elderly couple from Kingsport, TN, wrote:

> We are requesting that you do not support any big government drug scheme. Government does not do things better than individuals. Please protect seniors' choice of private coverage. One size does not fit all. We do not want the bureaucrats interfering with our doctor-patient prescription drug choices.

A widow from Tennessee who had a liver transplant writes:

> I'm against the big government plan. I have certain medications I must take and want to be able to get whatever medicines I need.

These letters speak volumes. They, first of all, point out the importance of health care security for our seniors that prescription drugs do provide but also the importance of having a right to choose what is best for one's individual needs.

I mention these letters because I do believe this body should respond as government should, in the broader sense, with a health care proposal, prescription drug plan, that gives affordable access to all seniors, making it a part of health care security. The plans we have heard talked about in the press today are the Bush Medicare plan and the Gore prescription drug plan that have been contrasted on the floor earlier today by a colleague from the other side of the aisle.

I want to comment on those. It is useful for this body because, in essence, Governor Bush's proposal looks at two bills on this floor. One is Chairman ROTH's bill, which gives an immediate helping hand to those seniors who need it today, working predominantly through the States; the second component of the Bush proposal is modeled on the same concept as Breaux-Frist, the bipartisan plan that is based on the way we get our health care as Senators today.

On the Gore side—and that is why this contrast is useful —is the Clinton-Gore proposal, which is also on this floor in terms of prescription drugs. Although we use Governor Bush and Vice President GORE, they both represent bills that are currently on the floor of the Senate.

Looking at Governor Bush's Medicare plan, it has two parts. One is overall modernization, long-term strengthening of the overall Medicare plan, the health care plan for our seniors and individuals with disabilities. The second part offers immediately, right now, the help that seniors are crying out for today. You simply cannot ignore those low-income and middle-income individuals who can't afford the drugs, who really are choosing between putting food on the table and buying those prescription drugs.

The two-part plan has its overall goal to strengthen Medicare and to get that prescription drug coverage to all seniors. It is based on this bipartisan plan, this Breaux-Frist type principle.

The primary focus of Governor Bush's proposal is a universal prescription drug proposal that includes this comprehensive modernization. It does several things. No. 1, it lets seniors choose. Beneficiaries can stay in traditional Medicare, what they have today, or they can choose a plan such as Senator BILL FRIST or Senator ROTH or President Clinton has, a model called the Federal Employees Health Benefits Plan. Under Governor Bush's proposal and under the Breaux-Frist proposal, all current Medicare benefits are preserved.

The real advantage is that seniors for the first time are given a real option to choose among plans that might better be able to meet their individual needs. One plan might have more preventive care. Another plan might have vision care—not in Medicare today. Another plan might have dental care—not in Medicare today.

No. 2, Governor Bush's proposal, and the Breaux-Frist proposal in the Senate, provides all seniors some prescription drug coverage access. Yes, there is a 25-percent subsidy of the cost of those premiums for everybody with a 100-percent subsidy for those people under 150 percent of poverty.

All seniors under Governor Bush's proposal have a limit, a cap on how much is spent out of pocket, not only for prescription drugs but for all health care—visits to the physician, visits to the hospital, prescription drug coverage. Once your out-of-pocket expenditures get above $6,000, it is covered by the Government

Fourth, this proposal is based on the Federal Employees Health Benefits Plan. I think that is very important because seniors understand if that care is really good enough for President Clinton or Senator FRIST, health care will be good enough for me.

No. 5, Governor Bush has said yes, this is going to take more money. It is going to take about $110 billion in more money. Why? Because that modernization in bringing things up to date, that better coordination of services, is going to require an investment. That is in real contrast to the Clinton-Gore proposal which, when we first heard about it, was going to cost $167 billion; that is when it was introduced last year. Right now, the figure touted by the Gore campaign is $250 billion. The Congressional Budget Office says no, it is not $167, it is not $250 billion, but in truth it is about a $337 billion plan.

So, taxpayers, watch out. Seniors, watch out. This plan has already doubled in size, in how much it costs, in the last 12 months, the plan of the Clinton-Gore team. No. 6, and most important, I think, in the short term, is seniors deserve this coverage now, not 2 years from now, not under the Clinton-Gore plan which phases in over another 8 years—actually they don't fully implement it until the year 2010. Our seniors need health care now.

I would like to briefly turn at this point to S. 3016 and S. 3017, introduced by Senator ROTH. What this bill says—which complements, supplements, and parallels very much what Governor Bush has said, and Governor Bush did it through his helping hand—since we have a problem now, let's reach out right now and get the money to the neediest people, the low- and moderate-income people who need it right now; not to be phased in later.

What this Roth bill does is it makes grants immediately available to those people who need it the most. It will extend prescription drug coverage immediately, recognizing it is a transition program, until we modernize Medicare through the Breaux-Frist or Governor Bush approach. It immediately extends prescription drug coverage to about 85 percent of Medicare beneficiaries.

It serves as a bridge to overall Medicare modernization, overall reform.

This is not the answer. This is the short-term answer to plug that hole that everybody agrees is there, whether Democrat or Republican. That hole is created because true modernization is going to take 12 months or 24 months or 36 months. So let's start that modernization program now, but, in the meantime, let's get help to the people who need it, who are out there making that choice between putting food on the table, buying those groceries, or buying prescription drugs. Let's help them in 6 months, not 10 years from now, not 5 years from now. That is where the Roth bill moves right in.

Let me point out that 22 States already have taken action. Remember, all 50 States right now are administering prescription drug programs. That mechanism is there right now. It is not in HCFA, it is not in the Federal Government now, and that is why, under Chairman ROTH's leadership, we can get that aid to the people who need it most.

I will talk more about the Clinton-Gore plan later, but let me just close by saying all I said sharply contrasts it.

No. 1, the Gore plan forces seniors to wait 10 years before it is fully implemented. It doesn't even start offering any drugs or drug coverage for at least 2 years.

No. 2, it doesn't give seniors any choice. They can choose one time, at 64½ years. They choose one time, and that is it. Contrast that with the Breaux-Frist plan or Governor Bush's plan, which allows choice at any point in time.

No. 3, the Clinton-Gore plan does nothing to strengthen Medicare. It is a 50-percent copayments for drugs. It does nothing to modernize or strengthen Medicare long term.

No. 4, it does nothing to benefit, to improve that underlying benefit package in terms of preventive drugs, preventive care, in terms of vision care, in terms of dental care. The flexibility is simply not there in the Gore plan.

I close by saying our debate about the various plans is an exciting one for me. Our goal must be health care security for seniors. Governor Bush and our plans, through Breaux-Frist and the Roth proposal, do just that.

I reserve the remainder of my time.

VICTIMS OF GUN VIOLENCE

Ms. MIKULSKI. 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 the names of some of those who have 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.

SEPTEMBER 14, 1999

Charles Caldwell, 18, Minneapolis, MN; Penny Calhoun, 32, Salt Lake City, UT; Henry J. Calhoun, 32, Salt Lake City, UT; Jovan Coleman, 19, Chicago, IL; Orlando Cortezq, 24, Dallas, TX; Israel Cuervas, 26, Dallas, TX; Charlie D. Duff, 18, Chicago, IL; Alfredo Fernandez, 50, Houston, TX; Toi Goodnight, 41, Pittsburgh, PA; Stevie Gray, 33, Washington, DC; Jessie Harper, 39, Houston, TX; Michael L. Harris, 41, Chicago, IL; Lee Sun Heung, 43, Baltimore, MD; John Homilton, 82, Oakland, CA; Stephen Hornbaker, 35, Pittsburgh, PA; Kerne Lerouge, 43, Boston, MA; Nigel D. Reese, 17, Chicago, IL; Herman Ridley, 24, Baltimore, MD; Frank Rizzo, Houston, TX; Charles Waldon, 62, Houston, TX.

One of the victims of gun violence I mentioned, 41-year-old Toi Goodnight of Pittsburgh, was shot and killed one year ago today in a carjacking incident. The man who killed Toi shot her in the mouth and left her on the highway as he drove away in her car.

We cannot sit back and allow such senseless gun violence to continue. The deaths of Toi Goodnight and the others I named are a reminder to all of us that we need to enact sensible gun legislation now.

OLYMPIC AMBUSH MARKETING

Mr. STEVENS. Mr. President, at the end of this week the men and women of the United States Olympic Team will march into the Olympic Stadium in Sydney, Australia for the XXVII Olympic games. These athletes who inspire all of us to set high goals and reach those goals deserve our congratulations and support. The American people also deserve praise and thanks for their individual contributions to our athletes and to the United States Olympic Committee. Without those contributions, most of our athletes would never have the chance to compete.

American companies have also financially supported the United States Olympic Committee and the Olympic games through official sponsorships. Unfortunately, Mr. President, that Olympic sponsorship is being eroded by an insidious practice known as ''ambush marketing''—advertising that falsely implies an official association with a particular event or organization. In no context is ambush marketing more prevalent or more damaging than with the Olympic games which, because of the reliance on private and corporate funding, are increasingly threatened by a decline in sponsorship interest.

Internationally, it is fair to say that corporate sponsorship saved the Olympic movement. In 1976, Montreal was left with a debt of nearly one billion dollars following the summer Olympic games in that city. Los Angeles, however, managed to capitalize on corporate sponsorship, turning a profit and revitalizing international interest in the games.

American companies have long been proud to be official sponsors of the Olympic games because of the humanitarian and inspirational values the games present. These companies also recognize the valuable marketing potential of the Olympics, enhancing

their presence and business reputation in an increasingly global marketplace. By encouraging corporate involvement, Olympic organizers have ensured that such companies continue to devote tremendous financial and human resources to be identified as official Olympic sponsors. This sponsorship is particularly important in the United States, because there is no direct government support of our athletes.

Congress has recognized the value of corporate sponsorship by adopting the Olympic and Amateur Sports Act, which I authored, to authorize the International Olympic Committee to grant worldwide sponsors of the Olympic games exclusive rights to use certain emblems, trademarks, and designations in the advertising, promotion and sale of products in designated product categories. The act also provides enhanced trademark protections to prevent deceptive practices specifically involving the use of Olympic trademarks or trade names. As a consequence, numerous major corporations have become Olympic sponsors and have contributed millions of dollars to the games and to U.S. athletes.

As the popularity of the Olympics has grown, so have the incentives to be associated with the games. Unfortunately, it is too easy for companies to imply an affiliation with the olympics, without becoming official sponsors. Such ambush or parasite marketing is often subtle—frequently depicting olmypic sports, athletes, medals, the host city, a burning torch, or other olympic games indicia—but its effect is proven. Studies have concluded that ambush marketers have been quite successful in their efforts to mislead the American public.

As companies begin to perceive only negligible goodwill or favorable publicity resulting from their Olympic sponsor status, their willingness to support the Olympic games and our athletes may wane. That is why I am considering legislation to further clarify the types of unauthorized use of Olympic games imagery and indicia that are actionable under the Amateur Sports Act. Australia, which will host the Olympic games in the next few weeks, has in place an ''Olympic Insignia Protection Act'' to protect against ambush marketing, and we may need additional protection in the U.S. Unfortunately, that legislation cannot be addressed this year.

There is a vast difference between freedom of speech and deceptive advertising. I will ask the congress to authorize private suits, similar to private antitrust legislation, to allow those injured by ''ambush marketing'' to recover their losses and financially punish those who try to mislead our people.

The USOC has been aggressive in protecting its trademark interests. These additional tools may be needed, however, to ensure the value of Olympic sponsorships and encourage corporate participation in the Olympic movement.

VIOLENCE AGAINST WOMEN PROTECTION ACT

Mr. SARBANES. Mr. President, I rise today to express my strong support for S. 2787, the Violence Against Women Protection Act of 2000. It is critically important that the Congress soon pass this legislation to reauthorize the Violence Against Women Act, and to continue the progress made since the Act was first passed in 1994.

I am proud to have been a cosponsor of both the original Violence Against Women Act, VAWA as well as S. 2787 and other legislation introduced in the 106th Congress to reauthorize VAWA. Through a $1.6 billion grants program, VAWA has provided hundreds of thousands of women with shelter to protect their families, established a national toll-free hotline which has responded to innumerable calls for help, and funded domestic violence prevention programs across the Nation. Most importantly, VAWA has provided a new emphasis on domestic violence as a critical problem that cannot be tolerated or ignored.

In my own State of Maryland, the funding provided by VAWA is essential to the continued operation of facilities like Heartly House in Frederick, Maryland, which provides shelter to battered women, accompanies rape victims on hospital visits, and assists women in crisis in numerous other ways. In Baltimore City, VAWA funds have helped create a dedicated docket in the District Court which has effectively increased the number of domestic violence cases prosecuted. In Montgomery County, Maryland, VAWA funds provide victims with legal representation in civil protective order hearings. Importantly, the staff for this program is located inside the Courthouse, making it easy and safe for victims to get the help that they need. VAWA funds are being used creatively in Garrett County, where the Sheriff's Department purchased a four wheel drive vehicle so that their domestic violence team can travel to remote areas of the county—overcoming the feelings of isolation many victims feel, particularly in the winter months.

Programs like these are working in Maryland and all across the country to reduce the incidence of domestic violence. And, according to the Bureau of Justice Statistics, VAWA is working. Intimate partners committed fewer murders in 1996, 1997, and 1998 than in any other year since 1976. Likewise, the number of female victims of intimate partner violence declined from 1993 to 1998; in 1998, women experienced an estimated 876,340 violent offenses at the hands of a partner, down from 1.1 million in 1993.

But despite these successes, clearly the incidence of violence against women and families remains too high. According to the National Coalition Against Domestic Violence (NCADV), over 50 percent of all women will experience physical violence in an intimate relationship, and for 24–30 percent of those women the battering will be regular and on-going. Additionally, the NCADV reports that between 50 and 70 percent of men who abuse their female partners also abuse their children.

Even though strides have been made, we still have a long way to go before domestic violence is evicted from our homes and communities. It is critically important that we not allow VAWA to expire, and that we take this opportunity to reauthorize VAWA and build upon its success. The Violence Against Women Protection Act of 2000 will authorize more than $3 billion over five years for VAWA grant program and make important improvements to the original statute. For example, S. 2787 will authorize a new temporary housing program to help move women out of shelters and into more stable living accommodations. S. 2787 will also make it easier for battered immigrant women to leave their abusers without fear of deportation, and target additional funds to combatting domestic violence on college campuses. Finally, the legislation will improve procedures to allow states to enforce protection orders across jurisdictional boundaries.

VAWA has made real strides against domestic violence, and the Violence Against Women Protection Act will continue the important work begun in 1994. I am proud to report of the valuable programs all across Maryland combatting domestic violence thanks to VAWA, and I urge Senate leaders to bring S. 2787 to the floor for consideration as soon as possible. We have an invaluable opportunity to make a statement that domestic violence will not be tolerated, and that all women and children should be able to live without fear in their own homes.

FEDERAL LAW ENFORCEMENT PROBLEMS DUE TO THE McDADE LAW

Mr. LEAHY. Mr. President, I came to the floor on May 25 to speak about the pressing criminal justice problems arising out of the so-called McDade law, which was enacted at the end of the last Congress as part of the omnibus appropriations law. At that time, I described some examples of how this law has impeded important criminal prosecutions, chilled the use of federally-authorized investigative techniques and posed multiple hurdles for federal prosecutors. In particular, I drew attention to the problems that this law has posed in cases related to public safety—among them, the investigation of the maintenance and safety practices of Alaska Airlines. The Legal Times and the Los Angeles Times recently reported on the situation regarding the Alaska Airlines investigation, and I ask unanimous consent to include these reports in the RECORD following my remarks.

Since I spoke in May, the McDade law has continued to stymie Federal law enforcement efforts in a number of States. I am especially troubled by

what is happening in Oregon, where the interplay of the McDade law and a recent attorney ethics decision by the Oregon Supreme Court is severely hampering Federal efforts to combat child pornography and drug trafficking.

I refer to the case of In re Gatti, 330 Or. 517 (2000). In Gatti, the court held that a private attorney had acted unethically by intentionally misrepresenting his identity to the employees of a medical records review company called Comprehensive Medical Review (''CMR''). The attorney, who represented a client who had filed a claim with an insurance company, believed that the insurance company was using CMR to generate fraudulent medical reports that the insurer then used to deny or limit claims. The attorney called CMR and falsely represented himself to be a chiropractor seeking employment with the company. The attorney was hoping to obtain information from CMR that he could use in a subsequent lawsuit against CMR and the insurance company.

The Oregon Supreme Court upheld the State Bar's view that the attorney's conduct violated two Oregon State Bar disciplinary rules and an Oregon statute—specifically, a disciplinary rule prohibiting conduct involving dishonesty, fraud, deceit or misrepresentation; a disciplinary rule prohibiting knowingly making a false statement of law or fact; and a statute prohibiting willful deceit or misconduct in the legal profession. In so doing, the court rejected the attorney's defense that his misrepresentations were justifiable because he was engaged in an investigation to seek evidence of fraud and other wrongful conduct. The court expressly ruled that there was no ''prosecutorial exception'' to either the State Bar disciplinary rules or the Oregon statute. As a result, it would appear that prosecutors in Oregon may not concur or participate in undercover and other deceptive law enforcement techniques, even if the law enforcement technique at issue is lawful under Federal law.

Gatti has had a swift and devastating effect on FBI operations in Oregon. Soon after the decision was announced, the U.S. Attorney's Office informed the FBI Field Office that it would not concur or participate in the use of long-used and highly productive techniques, such as undercover operations and consensual monitoring of telephone calls, that could be deemed deceptive by the State Bar. Several important investigations were immediately terminated or severely impeded.

Because of the Gatti decision, Oregon's U.S. Attorney refused to certify the six-month renewal of Portland's Innocent Images undercover operation, which targets child pornography and exploitation. Portland sought and obtained permission to establish an Innocent Images operation after the work of another task force over the past two years revealed that child pornography and exploitation is a significant problem in Oregon. With that finally accomplished, and with the investigative infrastructure in place, the U.S. Attorney refused to send the necessary concurring letter to the FBI for Portland's six-month franchise renewal. Since the U.S. Attorney's concurrence is necessary for renewal of the undercover operation, it now appears that Portland's Innocent Images operation will be shut down.

Gatti has also had an immediate and harmful impact on Oregon's war on drugs. Last winter, there was a multi-agency wiretap investigation into the activities of an Oregon-based drug organization. To date, the investigation has produced numerous federal and state indictments. Recently, the post-wiretap phase brought to the surface a cooperating witness. During the initial briefing, the cooperating witness indicated he had information about other drug organizations in Oregon and another State. In an effort to widen the investigation, the FBI sought the AUSA's concurrence in the cooperator's use of an electronic device to record conversations with other traffickers. Citing the Gatti decision, the assigned AUSA refused to provide concurrence. Since AUSA concurrence is required for such consensual monitoring, the FBI cannot make use of this basic investigative technique. Thus, a critical phase of the investigation languishes because of the interplay of Gatti and the McDade law.

These examples show how the McDade law is severely hampering federal law enforcement in Oregon. But as I made clear in my prior remarks, this ill-conceived law is having dangerous effects on federal law enforcement nationwide. Let me update my colleagues on the Talao case, which I discussed at some length in May.

In Talao, a company and its principals were under investigation for failing to pay the prevailing wage on federally funded contracts, falsifying payroll records, and demanding illegal kickbacks. The company's bookkeeper, who had been subpoenaed to testify before the grand jury, initiated a meeting with the AUSA in which she asserted that her employers were pressing her to lie before the grand jury, and that she did not want the company's lawyer to be present before or during her grand jury testimony. The grand jury later indicted the employers for conspiracy, false statements, and illegal kickbacks.

The district court held that the AUSA had acted unethically because the company had a right to have its attorney present during any interview of any employee, regardless of the employee's wishes, the status of the corporate managers, or the possibility that the attorney may have a conflict of interest in representing the bookkeeper. The court declared that if the case went to trial, it would inform the jury of the AUSA's misconduct and instruct them to take it into account in assessing the bookkeeper's credibility.

When I last spoke about the Talao case, the Ninth Circuit was reviewing the district court's decision. The Ninth Circuit has now spoken, and although it found no ethical violation, it did so on the narrow ground that the bookkeeper had initiated the meeting, and that the AUSA had advised the bookkeeper of her right to contact substitute counsel. Thus, the court sent a message that AUSAs and investigating agents may not approach employees in situations where there is a possible conflict of interest between the employee and the corporation for whom the employee works, and corporate counsel is purporting to represent all employees and demanding to be present during interviews. Let me put that another way. If a corporate whistleblower in California told an FBI agent that the agent should speak to a particular employee who had important information, and the AUSA assigned to the case knew that the corporation was represented by counsel in that matter, the AUSA arguably would have to nix the interview.

The need to modify the McDade law is real, and our time is running out. I introduced legislation last year that addressed the most serious problems caused by the McDade law, and I worked with the Chairman of the Judiciary Committee to refine and improve it. I described our approach when I spoke on this issue in May. Congress should take up and pass corrective legislation before the end of the session.

I ask unanimous consent to have several articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Tues., July 18, 2000]

JUSTICE DEPT. FACES UNEXPECTED ROADBLOCKS DUE TO ETHICS RULES

(By Robert L. Jackson)

WASHINGTON.—Consider it further proof of the law of unintended consequences.

Aiming to prevent unethical conduct, Congress last year passed a law requiring federal prosecutors to abide by the ethics rules of the state bar where they are conducting investigations.

Instead, the Justice Department says, the move has hampered law enforcement in cases related to public safety—among them the investigation of the maintenance and safety practices of Alaska Airlines.

In documents submitted to the Senate Judiciary Committee by James Robinson, chief of Justice's criminal division, and Assistant Atty. Gen. Robert Raben, the department has argued that probes like this were ''stalled for many months'' by the McDade law.

The law blocked FBI agents and Justice Department lawyers from interviewing airline mechanics in a timely fashion for a grand jury investigation of whether Alaska's maintenance records were falsified in Northern California, the department says. And it reportedly is causing problems for prosecutors looking into complaints from corporate whistle-blowers elsewhere.

While the law seems harmless on its face, California—like many other states—has an ethics provision prohibiting lawyers or government investigators from directly contacting a person who is represented by counsel.

Federal officials say FBI agents who tried to interview workers at the airline's Oakland maintenance facility were blocked by company lawyers who claimed to represent all airline personnel.

When mechanics then were served with grand jury subpoenas, attorneys lined up by the airline were able to delay their appearances by insisting on grants of immunity from prosecution, which slowed the inquiry by months.

The federal investigation widened after the Jan. 31 crash of an Alaska Airlines jet in the Pacific Ocean that killed all 88 people on board. But FBI agents were similarly impeded from questioning ground mechanics, according to the Justice Department.

''Those interviews that are most often successful—simultaneous interviews of numerous employees—could not be conducted simply because of fear that an ethical rule . . . might result in proceedings against the prosecutor,'' said Sen. Patrick J. Leahy (D-Vt.), a Judiciary Committee member who is trying to amend the law.

Alaska Airlines insists it has cooperated with the FBI and denies wrongdoing in its maintenance practices. No criminal charges have been brought. The Federal Aviation Administration recently said it had uncovered ''serious breakdowns in record-keeping, documentation and quality assurance'' but that the airline has devised an acceptable plan to correct them.

Leahy said the airline case is only one example of the hurdles erected by the McDade law, which was sponsored by Rep. John M. McDade (R-Pa.), who retired from the House last year. McDade had been the target of an eight-year federal investigation into allegations that he accepted $100,000 in gifts and other items from defense contractors and lobbyists.

Cleared by a jury after a 1996 trial, McDade maintained he was the victim of an investigation run amok.

His sponsorship of the Citizens Protection Act was supported by both the American Bar Assn. and the National Assn. of Criminal Defense Lawyers.

It was approved by Congress without any hearings.

Leahy, in a bipartisan effort with Sen. Orrin G. Hatch (R-Utah), the committee chairman, is trying to amend the McDade law.

Justice officials say the statute has made them ''reluctant to authorize consensual monitoring''—a body mike worn by an informant, for example—in California and other states for fear that state ethics rules could be interpreted to prohibit this conduct and lead to disciplinary action against department prosecutors.

The law also is making officials reluctant to speak with corporate whistle-blowers without a company lawyer present.

Hatch would add a provisio to McDade saying federal prosecutors should follow state standards unless they are inconsistent with traditional federal policy, a qualification that would effectively gut the law. It is doubtful whether Congress will amend McDade this year.

[From the Legal Times, June 26, 2000]

ETHICS LAW HURTS PROBE, DOJ SAYS

(By Jim Oliphant)

The Justice Department says its criminal probe of safety problems at Alaska Airlines has been severely hampered by a controversial federal ethics law enacted last year.

In documents provided to a Senate committee, the department says that a measure that forces federal prosecutors to adhere to state ethics rules has stymied the long-running investigation into the airline's safety and maintenance practices.

Seattle-based Alaska Airlines has been the target of a federal grand jury in San Francisco since early 1999, when a mechanic claimed that workers at the airline had falsified repair records for Alaska passenger jets.

Earlier this year, after Alaska Airlines Flight 261 plunged into the Pacific Ocean, killing all aboard, the Justice Department, along with the Federal Aviation Administration, widened its inquiry into the company's safety operations.

Department officials, as well as lawyers in the U.S. attorney's office in San Francisco, declined to discuss the grand jury's investigation, which has yet to produce a single indictment.

But in a report prepared for the Senate Judiciary Committee, the DOJ says the grand jury's work was ''stalled for many months'' because of the so-called McDade Amendment, a law implemented last year that forces federal prosecutors to follow state ethics codes.

California, like most states, has an ethics provision that prohibits lawyers from directly contacting a party who is represented by counsel. The Justice Department claims that lawyers for Alaska Airlines used the rule to prevent the Federal Bureau of Investigation and other investigators from speaking with mechanics and other airline employees.

In the early stages of the Alaska investigation, the department's report says, attempts by the FBI to seize documents and interview workers at Alaska Airlines' hangar facility in Oakland, Calif., were blocked by lawyers for the company who ''interceded, claimed to represent all airline personnel, and halted the interviews.''

Because of the California ethics law, the report says, the federal prosecutor was forced to end the interviews and recall the agents.

The report explains that prosecutors then attempted to subpoena the workers to the grand jury. Again, the request was met with a response by company lawyers, who lined up attorneys separate from the company to represent each worker before they testified before the grand jury.

''Because the attorney for each witness insisted on a grant of immunity, and because of scheduling conflicts with the various attorneys, the investigation was stalled for many months,'' the report says. ''When the witnesses finally appeared before the grand jury, they had trouble remembering anything significant to the investigation.''

The Justice Department report also mentions the Jan. 31 crash of Alaska Airlines Flight 261, which crashed into the Pacific Ocean, killing 88 people aboard. The National Transportation Safety Board's investigation has focused on defects in the plane's jackscrew assembly and horizontal stabilizer, which controls the up-and-down movement of the aircraft.

In the wake of the crash, the report says, the FBI received information that the plane had experienced mechanical problems on the first leg of its flight from Puerto Vallarta, Mexico, to Seattle.

But agents could not interview the airline's employees after the crash because of the ethics law, the report says.

''Those interviews that are most often successful—simultaneous interviews of numerous employees—could not be conducted because of fear that they might result in ethics proceedings against the prosecutor,'' the report says.

Alaska Airlines maintains that it has fully cooperated with FBI and FAA investigators during the government's investigation. It has denied any wrongdoing at its Oakland facility. The company has retained Los Angeles' O'Melveny & Myers to represent it in the criminal investigation.

CHANGE OF POLICY

For years, as a matter of Justice Department policy, federal prosecutors were told that they didn't have to follow state ethics rules—particularly ones related to bypassing lawyers and contacting potential witnesses directly.

The policy was intended to aid prosecutions of organized crime in the 1980s and was first detailed in a memo by then-Attorney General Richard Thornburgh in 1989. The department's rule was clarified under Janet Reno in 1994.

In October 1998, Congress passed a law that made federal prosecutors subject to state ethics codes. The law was named for former Rep. Joseph McDade (R–Pa.), who was the subject of an eight-year federal bribery investigation. McDade was eventually acquitted.

The law went into effect last year, over strenuous Justice Department objections. Since then, the department hasn't given up the fight to overturn it. And its efforts have support in the Senate Judiciary Committee, where bills offered by the committee's chairman, Sen. Orrin Hatch (R-Utah), and Sen. Patrick Leahy (D–Vt.) would establish separate ethical proscriptions for prosecutors.

The Hatch bill would repeal McDade. The Leahy bill would specifically allow prosecutors to contact witnesses regardless of whether they were represented by counsel. Neither bill has made it out of the judiciary committee.

''This law has resulted in significant delays in important criminal prosecutions, chilled the use of federally authorized investigative techniques and posed multiple hurdles for federal prosecutors,'' Leahy said on the floor of the Senate last month.

Both the American Bar Association and the National Association for Criminal Defense Lawyers lobbied Congress hard for the McDade law. Kevin Driscoll, a senior legislative counsel for the ABA, said that his organization is reviewing the Justice Department's complaints about the law's implementation. But, he added, the ABA's support of McDade has not changed.

William Moffitt, a D.C. criminal defense lawyer who is president of the NACDL, says that the Justice Department is ''looking for reasons to complain'' about McDade.

''They don't have the unfettered ability to intimidate and they don't like that,'' Moffitt said. ''People ought to be able to go to the general counsel (of a corporation) if they are subpoenaed and they ought to be able to be told to get a lawyer.''

Few details of the grand jury's investigation of Alaska Airlines have come to light. The airline says that it has received three subpoenas for information related to 12 specific aircraft. In a filing with the Securities and Exchange Commission last month, the airline's parent company, Alaska Air Group Inc., said one subpoena asked for the repair records for the MD–83 craft that crashed in January.

Matt Jacobs, a spokesman for the U.S. attorney's office in San Francisco, declined comment on the status of the investigation, as did the press office for Justice Department in Washington.

The FAA conducted a separate probe of the Alaska Airline's maintenance procedures and proposed a $44,000 fine, which the airline is contesting. The agency recently threatened to shut down the airline's repair facilities in Oakland and Seattle if it did not provide a sound plan for improving its safety protocols.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 13, 2000, the Federal debt stood at $5,685,088,778,465.03 (five trillion, six hundred eighty-five billion, eighty-eight million, seven hundred seventy-eight thousand, four hundred sixty-five dollars and three cents).

One year ago, September 13, 1999, the Federal debt stood at $5,654,838,000,000 (five trillion, six hundred fifty-four billion, eight hundred thirty-eight million).

Five years ago, September 13, 1995, the Federal debt stood at $4,967,411,000,000 (four trillion, nine hundred sixty-seven billion, four hundred eleven million).

Ten years ago, September 13, 1990, the Federal debt stood at $3,234,805,000,000 (three trillion, two hundred thirty-four billion, eight hundred five million).

Fifteen years ago, September 13, 1985, the Federal debt stood at $1,823,101,000,000 (one trillion, eight hundred twenty-three billion, one hundred one million) which reflects a debt increase of almost $4 trillion—$3,861,987,778,465.03 (three trillion, eight hundred sixty-one billion, nine hundred eighty-seven million, seven hundred seventy-eight thousand, four hundred sixty-five dollars and three cents) during the past 15 years.

ADDITIONAL STATEMENTS

POW–MIA DAY

• Mr. BURNS. Mr. President, I rise today to pay my respects and to acknowledge our prisoners of war (POW) and those still missing in action (MIA).

In the year 2000, fewer and fewer Americans understand the meaning of POW/MIA Day, Memorial Day, or Veterans Day. I feel it is important that I and my fellow veterans help our Nation understand that freedom is not free. It is paid for by the service and sacrifices of those who served our country.

The United States of America has been honored and blessed with the service and sacrifice of our men and women in uniform. Our Nation has been kept strong and safe by these great Americans and for this we owe a debt we can never fully repay. Nobody knows this more than the friends and families of those souls who became prisoners of war or are still listed as missing in action. Their anguish and pain is unimaginable. I believe it is important to acknowledge those friends and family members on this day as well.

On September 15, 2000, we acknowledge with upmost respect and gratitude those who have given their freedom to preserve ours. Those who have been prisoners of war have demonstrated steadfastly the beliefs of duty, honor, and country. They never gave up on these beliefs and the United States must never give up on them. We must take care of those who have taken care of us and this includes making every effort to account for those patriots who are missing in action. Our Nation must bring them home to their loved ones.

To those who paid the ultimate sacrifice by giving their lives for our country, we must always be thankful. We must never take for granted the freedoms we have due to the men and women who have faithfully served our country in times of war and peace.

May God bless all these American heroes and their families on this and everyday.•

TEENS FAVOR SENSIBLE GUN LAWS

• Mr. LEVIN. Mr. President, a new study conducted by researchers at Hamilton College reveals that students across the country are strongly in favor of sensible gun laws. According to the report, approximately ninety percent of high school students surveyed support proposals such as the registration of handguns and licensing of handgun owners, criminal background checks for prospective gun purchasers, and five-day ''cooling off periods.'' In addition, eighty to ninety percent of the teens surveyed in the poll support laws that would require all guns to be sold with trigger locks, require all gun buyers to pass a safety course, and hold adults criminally responsible for keeping a loaded firearm where it could be reasonably accessed by a child and that child harms himself or others.

Here are some of the other findings from the report: ''High school students back handgun regulation at higher levels than respondents in recent adult surveys; High school students believe that the Constitution protects the right of citizens to own guns. But they reject the idea that government regulation of the sale and use of handguns violates this right; Almost half of high school students say it would be easy for a teenager to obtain a handgun in their neighborhood. A third report that they know of someone at their school who has been threatened with a gun or shot at.''

The Hamilton College researchers were the first to nationally survey high school students about their feelings toward gun issues. I am not surprised that the results show overwhelming support for the gun safety proposals that many of us in Congress have been trying to enact into law. Students are well-versed on the dangers of guns in their homes and schools. In this survey, more than twenty-five percent of students reported that they or someone close to them has been ''shot by a gun.''

Mr. President, with just a few weeks remaining until the Senate's target adjournment date, it's long past time to act. Let's listen to our young people and enact the sensible gun laws they want and need to keep American schools safer from gun violence.•

TRIBUTE TO DR. MILO FRITZ

• Mr. STEVENS. Mr. President, Alaska lost one of its true pioneers when Dr. Milo Fritz died at his home in Anchor Point at the age of 91.

One of America's pre-eminent eye, ear, nose, and throat surgeons, Milo treated patients throughout Alaska. Dr. Fritz came to Alaska 60 years ago. With his wife Betsy, a nurse by his side, he began a practice that took him into almost every remote community of our State—to areas where there were no doctors, no clinics, no health care facilities of any kind.

The area he served covered almost a quarter of our State's 586,000 square miles, from Anchorage northeast to the Canadian border near Fort Yukon, west to Bettles and Huslia, south to Anvik and Shageluk, and east again over the Chugach Mountains to Anchorage.

Dozens of villages in that vast expanse would never have seen a doctor if Milo Fritz had not traveled by dog sled or small boat, or piloted his own single-engine airplane, because in that region there were no health-care facilities.

A command surgeon for the 11th Air force in World War II, Milo spent much of his service time in Alaska. After the war, and a brief sojourn in New York, he and Betsy returned to Alaska at the request of our then-territory's commissioner of health to investigate problems of blindness and deafness among children in Alaska Native communities.

Sterilizing his surgical instruments in boiling water heated on a portable stove he carried with him, Dr. Fritz performed tonsillectomies and sometimes, in the absence of a dentist, even had to extract infected teeth.

He specialized in treating otitis-media, a terrible and common disease among Alaskan rural children.

He wrote this brief account of one of his typical visits, this one in the village of Allakaket, which rests on the Arctic Circle in the foothills of the Brooks Range:

> In Allakaket, we operated in a log community hall and slept in the schoolteacher's quarters. In this village we did 22 T and A's (combined removal of tonsils and adenoids), five tonsillectomies, extracted a few teeth, and prescribed two pairs of glasses.
>
> We took one night off and in my airplane went into the wilderness into a heavenly spot called Selby Lake, where we fished for grayling and lake trout amid majestic surroundings that were as simple and beautiful and unspoiled as they must have been on the seventh day (a reference to the biblical account of creation).

After our territory of Alaska became the 49th State, Dr. Fritz took advantage of an opportunity to bring the health problems he encountered to the attention of State government, and ran successfully for the Alaska State legislature. in the 1960s and early in the 1970s he represented Anchorage in our State house. In 1982 he represented the Kenai Peninsula. I had the privilege to serve with him from 1966 to 1968.

Just as he was a perfectionist in the practice of medicine, Dr. Fritz was a

stickler for fair and thorough legislative practices. I remember Milo came to the Alaska House of Representatives at 5:30 a.m.—so he could read and analyze each bill before the regular session started. Milo had a commitment to the processes of democracy that few people share or understand.

At the time of his death, a family member said:

He was a skilled practitioner of the healing arts; a patron of the arts; humanitarian; solon; diligent inquirer into the mysteries of jurisprudence and its philosophy; a student of the legislative process; stern foe or hypocrisy and deceit; physician in the true tradition of Hippocrates and Saint Luke; and friend. Milo would want people to know that he tried.

Mr. President, Milo Fritz's contributions to Alaska and Alaskans over almost three generations are far more than those of a man who just ''tried.'' He left a legacy of caring and hard work and love of people and of his profession that will be hard to match.

He gave his all, over and over again, whether in a distant village or in his office in Anchorage, and Juneau and Anchor Point. I was not only fortunate to serve with him in our legislature, I was also one of his patients. so I know first had of the excellence with which he accomplished whatever task was before him.

Flags in Alaska flew at half staff last week to honor the memory of Dr. Milo Fritz, a great Alaska physician, legislator, and pioneer. A great man.

To Betsy, his wife of 63 years, and his son Jonathan, we extend our deepest sympathy. I, too, Mr. President, have lost a friend.

Mr. President, I ask that the articles about Dr. Fritz's life and death which appeared in the Kenai Peninsula Clarion, and the Anchorage Daily News on September 8th and 9th respectively, and editor Bill Tobin's tribute in the ''voice of the times'' column on September 10th, be printed in the RECORD.

The material follows:

[From the Anchorage Daily News, Sept. 8, 2000]

DOCTOR, 91, A PIONEER

FRITZ WORKED WITH DEAF, BLIND IN ALASKA'S BUSH

(By Jon Little)

SOLDOTNA.—Milo Fritz, a former state legislator and pioneering physician who dedicated much of his life to healing deaf and blind children in the Alaska Bush, died Aug. 31 at his home in Anchor Point. He was 91.

Gracious, direct and with a razor wit, Fritz was an institution on the Southern Kenai Peninsula.

He was an eye, ear and throat specialist who treated thousands of Alaskans over the years, among them Sen. Ted Stevens, friends and family say. He briefly set up practices on Park Avenue in New York, said Elizabeth Fritz, has wife of 63 years.

But Fritz's career path took a more meaning route, following his heart to villages across Alaska.

''So many of the Native children were going blind and deaf for lack of medical care,'' she said.

Gov. Tony Knowles ordered state flags lowered through the end of the workday today in Fritz's memory. The governor's office recounted Fritz's career in detail:

He was born in Pittsfield, Mass., on Aug. 5, 1909, and came to Alaska in 1940 to set up a practice in Ketchikan. He was soon drawn away by World War II, serving in the Army Air Corps beginning in 1941.

When asked where he wanted to serve, Fritz replied Alaska and was sent back to the state where he'd already set up a practice. He went across the state, helping soldiers. He rose to the rank of command surgeon for the 11th Air force.

According to the governor's office, Fritz won commendations for rescuing a pilot from a plane crash on Mount Redoubt and another pilot from a burning plane at Elmendorf Air Base.

After the war; Fritz went to New York, but in 1947 he was called back by the then Alaska commissioner of health to investigate blindness among Alaska Native children.

Fritz was elected to the Legislature in 1966 and again in 1972 to represent Anchorage in the state House. After moving to Anchor Point, he was elected to a third term in 1982.

Janet Helen Gamble, has long-time receptionist, described Fritz as a missionary. ''Sometimes he got paid, sometimes he didn't, because he really was not interested in money. He was interested in people's health, how he could make people see better.''

Fritz and his wife retired to the house they bought in 1949, where the scenery hasn't changed much over the decades. ''We see nothing man-made from our windows in the summer unless a ship goes by,'' Elizabeth Fritz said. ''It was the perfect place to end our lives and do things we'd put aside all these years.''

He is remembered by his family as, ''a skilled practitioner of the healing arts'' as well as a humanitarian and a ''diligent inquirer into the mysteries of jurisprudence and its philosophy'' and a ''stern foe of hypocrisy and deceit.''

In addition to his wife of 63 years, Fritz is survived by his son Jonathan, also of Anchor Point. No memorial service is planned, in accordance with his wishes.

[From the Voice of the Times, Anchorage, AK, Sept. 10, 2000]

PASSING PARADE

(By Bill Tobin)

The death of Dr. Milo Fritz at his Anchor Point home a week ago Thursday took from the Alaska scene a pioneer eye doctor and bush pilot who was part of another era—a time in Alaska when the Legislature was populated by people who had lives outside of politics. Service in Juneau, back in those days, was a part-time affair. Fishermen served and went back to their boats. Physicians served, and went back to practices. Druggists served, and went back to their stores. Real estate agents served and went back to the job of selling houses. Dr. Fritz, a long-time Anchorage eye surgeon who was 91 at the time of his death, was a Republican member of both the House and the Senate during his years in politics. He won international fame for the many years of service he provided as a medical circuit rider on countless trips to remote villages throughout rural Alaska. He learned to fly on the G.I. Bill, after service as a major in World War II, and piloted his own plane on his medical missionary work.

[From the Kenai Peninsula Clarion, Sept. 8, 2000]

MILO H. FRITZ, M.D.

Dr. Milo H. Fritz died at his home in Anchor Point on Thursday, Aug. 31, 2000, after a brief illness. He was 91.

No memorial service is planned in accordance with his wishes.

Born in Pittsfield, Mass., on Aug. 25, 1909, Fritz studied medicine and became a specialist in eyes, ears, nose and throat medicine. He came to Alaska in 1940 to set up a practice in Ketchikan, but was soon drawn away by the war. He served in the Army Air Corps beginning in 1941 and rose to the rank of command surgeon for the 11th Air Force. He spent many of his war years in Alaska, including service in Anchorage and Adak, and received commendations for rescuing a pilot from a plane crash on Mount Redoubt and another pilot from a burning plane at Elmendorf Air Base.

After the war, Fritz set up a practice in New York, but in 1947 he was called back by the then-Alaska Commissioner of Health to investigate blindness among Alaska Native children. Fritz again made Alaska his home, and his desire to address health problems in Alaska eventually drew him to the Alaska Legislature. Fritz was elected in 1966 and again in 1972 to represent Anchorage in the state House, and, after moving to Anchor Point, he was elected to a third term in 1982, representing the Kenai Peninsula.

''(He was) a skilled practitioner of the healing arts; patron of the arts; humanitarian; solon; diligent inquirer into the mysteries of jurisprudence and its philosophy; a student of the legislative process; stern foe of hypocrisy and deceit; physician in the true tradition of Hippocrates and St. Luke; and friend,'' his family said. ''Milo would want people to know that he tried.''

He was preceded in death by his son, Pieter, in 1977.

Fritz is survived by his wife of 63 years, Elizabeth, and son, Jonathan, both of Anchor Point.

In recognition of his services to the people of Alaska, Gov. Tony Knowles has ordered state flags lowered through the end of the workday today in memory of the former legislator and pioneer.●

HONORING DR. JOHN DIBIAGGIO, PRESIDENT OF TUFTS UNIVERSITY

● Mr. KERRY. Mr. President, I would like to take a few minutes to pay tribute to someone who has been a good friend to those of us in Massachusetts who are committed to quality higher education, Dr. John DiBiaggio, for his service, his vision, and the academic leadership the he has shown—not just in Massachusetts, but nationwide. Dr. DiBiaggio has been the president of Tufts University, in Medford, Massachusetts, since 1993. Yesterday he announced that he will be retiring in June 2002 and I know that he will be sorely missed.

I think anyone who has spent time at Tufts in the last several years has seen Dr. DiBiaggio, or his wife, Nancy, walking their dogs on campus. When the DiBiaggio's moved to Medford in 1993, they moved into Gifford House, an on-campus residence. I think that that decision to live on campus, just like an incoming freshman, to have an sincere open-door policy, and to create a real sense of community, is an enormous testimony to his dedication to service.

Dr. DiBiaggio's tenure at Tufts has been an extremely successful one. Since Dr. DiBiaggio arrived at Tufts, the university has shored up its fiscal

condition by tripling the size of its endowment. The University has built six new buildings at its Grafton campus and a new fieldhouse. The school's student-faculty ratio has dropped to 8:1, one of the best of any major college or university. Since Dr. DiBiaggio became president, the University has established study abroad programs in Chile, Moscow, Japan and Ghana.

Most recently, he announced the creation of a new school of public service. In my judgment, The University College of Citizenship and Public Service will be one of Dr. DiBiaggio's most enduring legacies at Tufts. Despite the large increase in volunteer rates among Tufts students, Massachusetts residents and citizens nationwide, voter apathy and cynicism are at all-time highs. This new school will be a ''virtual college,'' which aims to incorporate the goals of public service into the school's curriculum. In April, the College of Citizenship and Public Service received a $10 million donation from Pierre and Pam Omidyar, the founders of the person-to-person online trading website, eBay. This gift allowed the College of Citizenship and Public Service to grant twenty-one scholarships to undergraduates to participate in programs geared to develop values and skills of active citizenship and covers the financial aid needs of students who are eligible for scholarship assistance.

Tufts is no longer one of Massachusetts' best kept secrets. Under Dr. DiBiaggio's guidance, Tufts' undergraduate, medical, dental, nutrition, international relations, and veterinary schools have grown in stature and are consistently ranked among the nation's elite. The number of applicants increased by more than 70 percent in just the past five years. The test scores, grades and class rank of the incoming freshmen continues to break school records. The University is now standard on U.S. News and World Report's annual list of top colleges and universities, rubbing elbows with Harvard, MIT and Boston College.

I again commend Dr. DiBiaggio on a successful term as President of Tufts University. All of us in Massachusetts know the tremendous vision and scholarship that will be the legacy of Dr. DiBiaggo's service at Tufts. I know that he will be missed by students, parents and alumni alike, but I thank him for his service, and I am genuinely happy for him and for Nancy. I wish them the best of luck in their future endeavors.●

TRIBUTE TO JOSHUA S. WESTON

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Joshua S. Weston, a longtime friend, and one of New Jersey's most actively involved citizens, on the occasion of his receiving the ''Distinguished Achievement Award'' by B'nai B'rith International.

Mr. President, over the years Josh and I have worked together on many endeavors. In 1949, Josh joined me and a childhood friend to form Automatic Data Processing (ADP), a small payroll services company. Thanks to the tireless efforts of many and Josh's leadership as Chairman, ADP is now the leading provider of payroll services worldwide.

When I first heard that Josh was being honored, I was not surprised. Josh has always been an active participant of worthy causes. Josh and his wife, Judy, formed the Weston Science Scholars Program, an innovative science program that affords selected ninth- and tenth-grade students from Montclair High School the opportunity to work with Ph.D. scientists at Montclair State University.

While Josh knows the educational value of a good math and science program, he also recognizes the need for American Jewish students to form a bond with Israel. For more than five years, Josh has underwritten the costs of a United Jewish Federation program in which a college student attends a semester abroad in Israel.

In addition to Josh's philanthropic contributions, he sits on many committees. Josh is the president of the Josh and Judy Weston Family Foundation of Montclair. He serves on the governing boards of the International Rescue Committee, the New Jersey Symphony, the New Jersey Business Partnership, the Liberty Science Center, Mountainside Hospital, Boys Town of Jerusalem and Yeshiva University Business School, among others. He is the recipient of many awards, including an honorary degree from Montclair State University.

Mr. President, I am pleased to honor my good friend Joshua Weston on this acclaimed occasion. We are indebted to him for his service. He has demonstrated to his family, his friends, and his community that this honor is well-deserved. I salute him on yet another great achievement.●

125TH ANNIVERSARY OF THE WYANDOTTE BOAT CLUB

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 125th Anniversary of the Wyandotte, Michigan, Boat Club, which will be celebrated on September 23, 2000. Established in 1875, the club is revered in the annals of rowing, and for 125 years it has been a staple of the Wyandotte community, encouraging the citizens of Southeastern Wayne County to flourish physically, mentally and morally.

The Wyandotte Boat Club is located on the Detroit River, approximately 15 miles ''downriver'' of Detroit. It was formed in 1875 when a group of Wyandotte men, led by Mr. John McKnight, officially organized and together purchased a ten-oar barge. The first home of the club was at the foot of Pine Street in a shed behind the summer home of a resident of Wyandotte. And though the club has come a very long way since this time, in a literal manner it has not moved an inch, for on January 14, 1997, the club moved back to the foot of Pine Street, into a state of the art, multi-million dollar facility.

The boat club has come to play a very large role in the lives of Wyandotte citizens. Its more than 700 members assist in the coaching, maintenance and administration of the club's activities and regattas. They teach rowing programs to individuals of all ages. Furthermore, in the mid 1940's, the club began to sponsor a program offering rowing to area high school students. In its 50 plus years, the program has now expanded to include elementary and middle school students as well as high school students. The school programs are open to all students and there is no charge to the student or the school for participation. Many of the high school oarsmen who have participated in the program have become known both nationally and internationally as top competitors in the rowing arena.

Mr. President, I applaud the members of the Wyandotte Boat Club for the many beneficial things they do for the citizens of Wyandotte on a daily basis. In particular, to sponsor rowing for children of all ages, which not only provides these children with a lifelong hobby, but also helps to teach them some of life's most basic and important lessons. On behalf of the entire United States Senate, I congratulate the Wyandotte Boat Club on 125 successful years, and wish the group continued success in the future.●

THE 25TH ANNIVERSARY OF THE ANTIQUE AND CLASSIC BOATING SOCIETY

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 25th Anniversary of The Antique and Classic Boat Society (ACBS), which will be celebrated from September 21–24, 2000, at the Grand Hotel on Mackinac Island, Michigan. For 25 years, the ACBS has united individuals with an interest in historic, antique and classic boats, allowing them to share fellowship, information, and experiences.

The ACBS is an international organization headquartered on the St. Lawrence River in the Thousand Islands region of Clayton, New York. It currently has 44 chapters worldwide, and a membership of over 6,500 individuals. The organization was founded not only to unite individuals with an interest in antique and classic boats, but also to protect and promote the heritage of boating. It does this through the preservation and restoration of historic boats, as well as by encouraging members to share their love and enjoyment of all aspects of historic, antique and classic boating with both other members and the general public.

I think it is important to note here the large role that the State of Michigan has played in the growth and development of the recreational boating industry. Beginning as early as the

1920's, and continuing through the 1970's, the four most recognized American boat builders were headquartered in Michigan: Chris Craft in Algonac; Gar Wood in Marysville; Hacker Craft in Mount Clemens; and Century in Manistee. Thus, I think that it is only right that the 25th Anniversary of the Antique and Classic Boat Society be celebrated in the Water Wonderland State of Michigan.

Mr. President, I applaud the ACBS for having grown into the world's largest organization dedicated to the preservation and enjoyment of historic, antique and classic boats, a fact which pays tribute to the many people who have devoted themselves not only to promoting the heritage of boating, but also to promoting the ACBS and the many wonderful things it does to preserve this heritage. On behalf of the entire United States Senate, I congratulate the Antique and Classic Boat Society on its 25th Anniversary, and wish the organization continued success in the future.●

A TRIBUTE TO MRS. PATRICIA JANKOWSKI

● Mr. ABRAHAM. Mr. President, on August 25, 2000, Mrs. Patricia Jankowski of Garden City, Michigan, took office as National President of the Ladies Auxiliary to the Veterans of Foreign Wars at the organization's 87th National Convention. On September 23, 2000, there will be a Homecoming celebration in her honor at the Marriott Hotel in the Detroit Renaissance Center, and I rise today to offer my congratulations to Mrs. Jankowski as she returns to Michigan.

Mrs. Jankowski is a Life Member of Northville Auxiliary #4012. Since becoming a member of the Ladies Auxiliary to the VFW, she has been actively involved on all levels of the organization. She has served served as Auxiliary President, District #4 President, and in 1990–91 was selected the Outstanding President of the Year in her membership group when she served as State President.

On the national level, Mrs. Jankowski has served as National Flag Bearer, National Cancer Aid and Research Director, and National Director for the VFW National Home program. As a member of Blazzette Color Guard for five years, she holds two Bronze and one Silver Medal for competition at National VFW Convention. In 1989, she earned National Aide-de-Camp status for recruiting members. And just last year, as National Senior Vice-President, she represented the Auxiliary on a tour of Europe.

Mrs. Jankowski's election to this national office is the highlight of a career dedicated to public service. During her term in office, she will encourage fellow members to raise $3 million for the Auxiliary Cancer Aid and Research Fund for the 13th consecutive year, with her ultimate goal being to top all previous program records.

Mr. President, I applaud Mrs. Jankowski for the wonderful work that she has done for the Ladies Auxiliary to the VFW. Her supreme dedication to that cause and her unending desire to help our Nation's veterans is both admirable and inspirational. On behalf of the entire United States Senate, I congratulate Mrs. Jankowski on taking office as National President of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States, and wish her great success as she leads this outstanding organization.●

DEPUTY CHIEF CHARLES L. BIDWELL CELEBRATES 50 YEARS OF SERVICE

● Mr. ABRAHAM. Mr. President, I rise today to recognize Deputy Chief Charles L. Bidwell of the Brighton, Michigan, Area Fire Department, who will be honored for 50 years of fire service to the City of Brighton at a dinner on September 19, 2000.

Deputy Chief Bidwell has been an active or on-call firefighter since September 14, 1950. He spent his entire career with the City of Brighton Fire Department until July 1, 1998, when the City of Brighton Fire Department and the Brighton Township Fire Department merged to form the Brighton Area Fire Department.

Deputy Chief Bidwell is retired from the General Motors Proving Grounds in Milford, Michigan. He has held the position of Deputy Chief since 1988, and remains one of the most active members of the Brighton Area Fire Department. For the past decade, he has led the department in alarm response.

From June 27, 1994 until January 15, 1995, Mr. Bidwell acted as interim Chief of the City of Brighton Fire Department. He was named the City of Brighton's Firefighter of the Year in 1987, and, at the annual conference of the Michigan State Firemen's Association in Ludington earlier this year, he was selected as Michigan's Firefighter of the Year in honor of this remarkable achievement.

Mr. President, I applaud Deputy Chief Bidwell on his extensive firefighting career and his dedication to the City of Brighton. He is one of the State of Michigan's true role models, and I am glad that the City of Brighton and the Brighton Area Fire Department have taken this opportunity to recognize his many contributions. On behalf of the entire United States Senate, I congratulate Deputy Chief Charles L. Bidwell on 50 years of service, and wish him continued success in the future.●

30TH BIRTHDAY OF HARBOR TOWER APARTMENTS

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 30th birthday of Harbor Tower Apartments in Escanaba, Michigan, which was officially celebrated on July 13, 2000. For thirty years, the presence of Harbor Tower Apartments has enabled the Escanaba Housing Commission, in coalition with the Department of Housing and Urban Development, to provide low-income housing to members of the Escanaba community.

Harbor Tower, an 18 floor, 175 apartment building, was built in 1970. The official dedication of the building took place on July 13th of that same year, and was attended by Miss America Pamela Anne Eldred. The Harbor Tower Apartments are managed by the Escanaba Housing Commission, a group comprised of five full-time employees and a five member Board of Commissioners appointed by the City Council of Escanaba.

To qualify to live in Harbor Tower Apartments, individuals must meet the income guidelines set out by HUD. If they qualify under these guidelines, their rent is determined by their income, with HUD providing subsidy funds. Harbor Tower Apartments is considered a high performer by HUD's PHMAP scoring system. The PHMAP is a grade given to the management and staff on their performance and upkeep of the building.

Perhaps the most important element of Harbor Tower Apartments, at least to the Escanaba Housing Commission, is to make residents feel as if they are a part of a community. They can participate in a variety of activities, including a weekly Rosary, monthly church services, a monthly club meeting, a summer picnic, and other special dinners. In addition, membership in the Harbor Tower Club is available to any resident for only $6 per year. The club's activities include a monthly catered dinner and dance, an annual Christmas Bazaar, and special holiday parties.

Mr. President, I congratulate all of the people whose hard work over the years has made this 30th birthday possible. It is because of their dedication that quality housing remains an option to Escanaba citizens of all income levels. On behalf of the entire United States Senate, I wish the Harbor Tower Apartments continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 127

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 Governmental Affairs.

To the Congress of the United States:

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4107(b)), I transmit herewith the Eighth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1998, to January 31, 2000).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 2000*.

EIGHTH BIENNIAL REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE TO THE CONGRESS—FEBRUARY 1, 1998 TO JANUARY 31, 2000

(Prepared by the National Science Foundation for the Interagency Arctic Research Policy Committee)

BACKGROUND

Section 108(b) of Public Law 98–373, as amended by Public Law 101–609, the Arctic Research and Policy Act, directs the Interagency Arctic Research Policy Committee (IARPC) to submit to Congress, through the President, a biennial report containing a statement of the activities and accomplishments of the IARPC. The IARPC was authorized by the Act and was established by Executive Order 12501, dated January 28, 1985.

Section 108(b)(2) of Public Law 98–373, as amended by Public Law 101–609, directs the IARPC to submit to Congress, through the President, as part of its biennial report, a statement ''detailing with particularity the recommendations of the Arctic Research Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations.'' In response to this requirement, the IARPC has examined all recommendations of the Arctic Research Commission since February 1998. The required statement appears in Appendix A.

ACTIVITIES AND ACCOMPLISHMENTS

During the period February 1, 1998, to January 31, 2000, the IARPC has:

Prepared and published the fifth biennial revision to the United States Arctic Research Plan, as required by Section 108(a)(4) of the Act. The Plan was sent to the President on July 7, 1999.

Published and distributed four issues of the journal Arctic Research of the United States. These issues reviewed all Federal agency Arctic research accomplishments for FY 96 and 97 and included summaries of the IARPC and Arctic Research Commission meetings and activities. The Fall/Winger 1999 issue contained the full text of the sixth biennial revision of the U.S. Arctic Research Plan.

Consulted with the Arctic Research Commission on policy and program matters described in Section 108(a)(3), was represented at meetings of the Commission, and responded to Commission reports and Recommendations (Appendix A).

Continued the processes of interagency cooperation required under Section 108(a)(6)(7), (8) and (9).

Provided input to an integrated budget analysis for Arctic research, which estimated $185.7 million in Federal support for FY 98 and $221.5 million in FY 99.

Arranged for public participation in the development of the fifth biennial revision to the U.S. Arctic Research Plan as required in Section 108(a)(10).

Continued to maintain the Arctic Environmental Data Directory (AEDD), which now contains information on over 400 Arctic data sets. AEDD is available on the World Wide Web.

Continued the activities of an Interagency Social Sciences Task Force. Of special concern is research on the health of indigenous peoples and research on the Arctic as a unique environment for studying human environmental adaptation and sociocultural change.

Continued to support an Alaska regional office of the Smithsonian's Arctic Studies Center in cooperation with the Anchorage Historical Museum to facilitate education and cultural access programs for Alaska residents.

Supported continued U.S. participation in the non-governmental International Arctic Science Committee, via the National Research Council.

Participated in the continuing National Security Council/U.S. Department of State implementation of U.S. policy for the Arctic. U.S. policy for the Arctic now includes an expanded focus on science and environmental protection and on the valued input of Arctic residents in research and environmental management issues.

Participated in policy formulation for the ongoing development of the Arctic Council. This Council incorporates a set of principles and objectives for the protection of the Arctic environment and for promoting sustainable development. IARPC supports the contributions being made to projects under the Council's Arctic Monitoring and Assessment Program (AMAP) by a number of Federal and State of Alaska agencies. IARPC's Arctic Monitoring Working Group serves as a U.S. focal point for AMAP.

Approved four coordinated Federal agency research initiatives on Arctic Environmental Change, Arctic Monitoring and Assessment, Assessment of Risks to Environments and People in the Arctic, and Marine Science in the Arctic. These initiatives are designed to augment individual agency mission-related programs and expertise and to promote the resolution of key unanswered questions in Arctic research and environmental protection. The initiatives are intended to help guide internal agency research planning and priority setting. It is expected that funding for the initiatives will be included in agency budget submissions, as the objectives and potential value are of high relevance to the mission and responsibilities of IARPC agencies.

Convened formal meetings of the Committee and its working groups, staff committees, and task forces to accomplish the above.

Appendix A: Interagency Arctic Research Policy Committee Responses to Recommendations of the Arctic Research Commission

Section 108(b)(2) of Public Law 98–373, as amended by Public Law 101–609, directs the IARPC to submit to Congress, through the President, as part of its biennial report, a statement ''dealing with particularity the recommendations of the Arctic Research Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations.'' In response to this requirement, the IARPC has examined all recommendations of the Arctic Research Commission since January 1998. The previous IARPC report, submitted in January 1998, responded to Commission recommendations through 1997. Many of these recommendations deal with priorities in basic and applied Arctic research that ongoing agency programs continue to address.

The following recommendations are from the Arctic Research Commission report ''Goals and Opportunities for United States Arctic Research'' (1999).

RECOMMENDATIONS FOR AGENCIES

At the request of the IARPC agencies we are including specific recommendations for these agencies and interagency groups in order to make clear to them our view of the opportunities.

National Science Foundation

The National Science Foundation Arctic Science Section in the Office of Polar Programs has made great strides in recent years in their interest in and efforts on behalf of research in the Arctic. We are pleased with several developments in recent years, including the partnership with the Commission in support of the ARCUS Logistics Study, the participation of the Section's staff on the Commission's field trips to Greenland and Arctic Canada, and the Foundation's support for the swath bathymetric mapping system deployed in 1998 as part of the SCICEX Program. Nevertheless, there still remains a substantial disparity between support for research in the Antarctic and in the Arctic. A new era is about to dawn in Arctic research because of the arrival in 2000 of the new Coast Guard icebreaker *Healy*. *Healy* has the potential to become the most important ship for Arctic research ever launched. On the other hand, it may languish at the dock making only occasional forays into the Arctic. The National Science Foundation has committed to *Healy* by ending its support for the ARV design activity conducted by the University National Oceanographic Laboratory System. *Healy* will be the principal U.S. resource for surface studies of the Arctic Ocean. Having committed philosophically to *Healy* it is essential that NSF find the resources to operate *Healy* as a research vessel with a minimum operating schedule of approximately 200 days per year. Without sufficient operating support, the NSF commitment to *Healy* will be a hollow one. The FY 99 budget for the Foundation contains a substantial increase in funding for Arctic Logistics needs.

NSF appreciates the Commission's comments on the great strides in recent years by the Arctic Science Section, Office of Polar Programs, on behalf of research in the Arctic. NSF's commitment to supporting Arctic research in all areas remains strong, but NSF is to the sole Federal sponsor for Arctic studies. As the Commission is aware, both NSF and the Office of Polar Programs must continually find the appropriate balance of support for a wide variety of disciplines and activities. In the specific case of supporting research that requires the use of the *Healy*, NSF's FY 00 budget request included funding for initial testing for scientific applications of the *Healy*. In FY 00 the Foundation also hopes to support limited research on the *Healy* during the science system testing cruises.

Long-term planning (FY 01 and beyond) includes continued support for research on the *Healy*. Support for up to 100 operating days is planned, although it is unclear whether the amount required to fully fund 200 operating days, including science costs, would be available for this purpose from NSF. NSF will work with other user agencies to develop mechanisms for science support for the *Healy*.

Department of Defense

A number of activities fall under the Department of Defense. Chief among these is the SCICEX Program of the Department of the Navy. The 109th Airlift Wing of the New York Air National Guard provides LC–130 support for both Arctic and Antarctic research operations. In addition, DOD is conducting a program entitled Arctic Military

Environmental Cooperation (AMEC) jointly with the Norwegian and Russian ministries of defense. The Commission encourages the Department of Defense to continue to provide support for Arctic research and environmental studies and to communicate with the Commission on any new programs.

The level of interest in Arctic research continues to wane at the Office of Naval Research. The fact that the Arctic Ocean is no longer considered an area of strategic threat is due to the decrease in tensions with Russia. The result has been a precipitous decline in funding for Arctic studies at the Office of Naval Research. The Commission believes that the decrease in Arctic operations is a reason for maintaining research levels in the Arctic in order to maintain the national capability in the region. Research is generally much less expensive than operations and the knowledge base created and maintained by research in the region may be of vital national interest in the future, particularly as access to the Arctic Ocean improves, a fact made likely through the observed thinning of Arctic sea ice. Reduced military activities in the region do not justify reduced research efforts and may be an excellent justification for maintaining and even increasing research.

With this mind, the Commission commends the efforts of the Navy in carrying out the SCICEX cruises. The Commission notes the substantial effort made by the Navy to support this program in the face of shrinking resources and facilities. These expeditions into the Arctic Ocean aboard operational fast attack nuclear submarines show an extraordinary interest in the support of science by the Navy. The question of the continuation of these cruises after 1999 and the retirement of the last of the Sturgeon Class submarines is of great concern to the Commission, and the Commission recommends that the Navy explore with the scientific community the means to continue this invaluable access to the Arctic Ocean.

The SCICEX Program began in 1998 to collect swath bathymetric data in the Arctic for the first time from a submarine. This instrument, known as the Seafloor Characterization And Mapping Pods (SCANP), has been made possible by the enthusiastic support of the National Science Foundation's Office of Polar Programs. These data collected by SCAMP will be of great value for students of the region from many disciplines. The region surveyed in 1998 and 1999 will comprise only a moderate fraction of the area of the deep water portion of the Arctic Ocean. The means to continue gathering swath bathymetry with the SCAMP system should be developed for the future, preferably using Navy nuclear submarines. This recent development in submarines capability is a reinforcing reason to continue the SCICEX Program. A corollary issue is the declassification of achieved bathymetry data collected on previous operations. These data are a valuable resource for the research community. A continuing program should be established to bring these data out from the classified realm respecting the security concerns, which may surround the collection of these data. The construction of the new U.S.-Russian Arctic Ocean Atlas CD shows that these difficulties may be overcome.

As a further indication of the utility of Navy nuclear submarines for research in the Arctic Ocean, the Commission also notes the cooperation of the Navy in attempting to carry out a test of the submarine as a receiving ship for seismic refraction measurements. This test, when completed, will indicate the suitability of the submarine for such experiments, and the Commission encourages further investigation of this concept. The Commission also notes the cooperation of the Navy in the declassification of bathymetric and ice profile data collected by Navy nuclear submarines in the Arctic. The value of these data is indicated by the importance attached to the bathymetric data by the international community in connection with the update of the GEBCO chart of Arctic Ocean bathymetry. Navy data will at least double the data base available for this update.

Finally, the Commission recommends that the Navy cooperate fully in a study of the costs and benefits of retaining a Sturgeon Class submarine as an auxiliary research platform for worldwide use by the civilian science community as discussed above.

The Army Cold Regions Research and Engineering Laboratory (CRREL) in Hanover is a national treasure. In the current climate of budget stringency the pressure on Army labs is growing. The Commission wishes to be on record in support of the vital national resource that exists at CRREL. Serious reductions at CRREL might be helpful in the short term but a detriment to the national welfare over the long term. The Commission encourages continued support for CRREL.

The Commission has recently discussed with CRREL the importance of understanding the effects of global climate change on the permafrost regime. The Commission looks forward to CRREL's plans for further study of climate change and permafrost, supports the concept and encourages support for these studies by all of the IARPC agencies.

The Department of Defense invests in R&D priorities consistent with mission requirements and resources. First and foremost, the Science and Technology investments within DoD are undertaken to ensure that warfighters today and tomorrow have superior and affordable technology to support their missions and to give them revolutionary war-winning capabilities. Thus, the DoD S&T investment is directly linked to the assessment of current and future security threats. While the interest of the Department of Defense and the Office of Naval Research in Arctic research and environmental studies remains strong, the prioritization of S&T funding is subject to the fiscal realities and must consider present strategic and operational requirements. The Department remains committed to funding Arctic research at a level commensurate with the mission requirements. Contrary to the Commission's assertion, the decrease in military operations in the Arctic is not a rationale for maintaining or expanding departmental S&T efforts in the region.

From an S&T perspective, the Department of Defense supports the Navy's ongoing examination of the feasibility of continued Arctic research using Navy submarines. Such analysis is taking into account DoD's national security mission, the national security requirements for submarine operations, downsizing of the operational fleet, and the life-cycle costs of implementation of an extension of the SCICEX research program. Further, the Navy is cooperating with NSF and its contractors in an ongoing study of the costs and benefits of retaining a Sturgeon Class submarine as an auxiliary research platform for civilian science applications operated on a reimbursable basis.

National Oceanic and Atmospheric Administration

NOAA has been the leading U.S. agency for AMAP. In this role, NOAA has supplied both staff efforts and funding to the AMAP. These efforts have been largely conducted on a goodwill basis without organized programs or a satisfactory funding base. NOAA deserves great credit for these efforts and the Commission commends and supports their efforts. NOAA has conducted an Arctic Initiative beginning in 1996 at a funding level of approximately one million dollars. The Commission supports this initiative and recommends that it continue in the coming fiscal year and eventually becomes an ongoing part of the NOAA program.

NOAA appreciates the recognition by the Commission of its role as U.S. lead agency for the Arctic Monitoring and Assessment Program (AMAP). It is NOAA's intention to continue its participation in AMAP, to coordinate interagency AMAP projects in a partnership effort, to increase outreach to impacted Alaskan communities, and to promote greater involvement in AMAP activities by Alaskan people and organizations at both local and statewide levels.

NOAA also appreciates the Commission's support of the Arctic Research Initiative (ARI), a peer-reviewed research effort that we have administered jointly with the Cooperative Institute for Arctic Research at the University of Alaska Fairbanks. After a start at the $1.0 million level in FY 97, the ARI received $1.5 million in FY 98 and $1.65 million in FY 99. NOAA intends to continue this program, and the President included support for the ARI as part of NOAA's base budget request for FY 00. NOAA completed a report on the first three years of the ARI and provided copies of the report to the Commission.

As the Commission is doubtless aware, in FY 00 NOAA is combining ARI funds with International Arctic Science Center funds in a joint announcement of opportunity. This announcement was released to the Arctic science community on August 18, 1999. It invites proposals on global change and its effects on the Arctic, including detection; interactions and feedback; paleoclimates, Arctic haze, ozone and UV; contaminants; and impacts and consequences of change. The announcement is available on the IARC web page at http://www.iarc.uaf.edu and on the CIFAR web page at http://www.cifar.uaf.edu.

In order to focus our Arctic research efforts more sharply, we have established an Arctic Research Office within NOAA's Office of Oceanic and Atmospheric Research.

The National Undersea Research Program (NURP) has had a long and perilous history. Only occasionally has it appeared in the President's budget. The Commission believes that NOAA-NURP can be a valuable asset to the research community. In particular, the Commission takes note of the report of the ''Blue Ribbon Panel,'' which spelled out a new paradigm for NURP. The Commission's interests in NURP's activities in the Arctic include the use of unmanned and autonomous underwater vehicles in the Arctic as well as the employment of the Navy's nuclear submarine assets under the SCICEX Program noted above. The Commission believes that the time has come for an organic act for NURP that will establish it as an ongoing activity with a structure based largely on the recommendations of the ''Blue Ribbon Panel.'' As part of their mission NURP should undertake to fulfill the commitment made in the SCICEX MOA to support the research infrastructure costs of the SCICEX Program.

Following the reinvention of the National Undersea Research Program (NURP), which began in 1997, the program has been included in the President's budget each year at increasing levels. The Blue Ribbon Panel report was taken into account in the restructuring of the program, and an organic act supporting the reinvention is under review by the Administration.

Regarding the SCICEX program, the Director of NURP serves on the National Science Foundation's Study Steering Committee to examine and analyze the costs and benefits

of employing a U.S. Navy nuclear submarine dedicated to global oceanographic science. This would be a follow-on to the SCICEX program. Based on the results of this study and future budget levels, NURP will determine its contributions to support infrastructure and research costs in any follow-on to the SCICEX program.

NOAA operates a suite of National Data Centers including the National Snow and Ice Data Center, the National Oceanographic Data Center, the National Geophysical Data Center and the National Climate Data Center. These data centers are charged with the responsibility for data rescue in the former Soviet Union. The Commission recommends that the national data centers communicate the nature of their data rescue activities to the Commission and expand them as necessary to collect data vital to our understanding of the Arctic, especially the dispersal of contaminants in the region.

The NOAA National Data Centers (NNDC) continue their long history of cooperative data exchange with counterpart institutions in the former Soviet Union (FSU). The following summary highlights some of the oceanographic, meteorological, and geophysical data sets recovered and made public in the past few years as a result of this cooperation. While these data are significant contributions to our knowledge of Arctic regions, our FSU colleagues indicate there are enormous holdings still in manuscript form or on outdated magnetic tapes. Reasonable estimates to acquire these additional data and make them available far exceed the resources available to NNDC.

The National Oceanographic Data Center (NODC) has an active, proposal-driven program of ''data archaeology and rescue'' for oceanographic and ancillary meteorological data for the world ocean. These activities are funded by NOAA's Office of Global Programs and by the NOAA/NESDIS Environmental Services Data and Information Management program. As a result of this project, substantial amounts of data for the sub-Arctic and Arctic have been made available internationally without restriction on CD–ROM as part of ''World Ocean Database 1998'' (WOD98) and the ''Climatic Atlas of the Barents Sea 1998: Temperature, Salinity, Oxygen'' products. The majority of these rescued data are from Russian institutions. There are an estimated 500,000 Russian Nansen casts from the Barents Sea and surrounding areas still not available, many of these data being in manuscript form.

The Ocean Climate Laboratory of NODC also is working with the Murmansk Marine Biological Laboratory to construct and publish a ''Plankton Atlas of the Barents Sea.'' A second atlas on the physical properties of the Barents Sea will be expanded to include the Kara and White Seas. Russian institutions have expressed interest in developing atlases, databases, and joint research projects, mainly for the sub-Arctic. For example the Arctic and Antarctic Research Institute (AARI) of St. Petersburg is proposing to prepare such products for the Greenland-Norwegian Sea region. If funding becomes available, AARI and the Ocean Climate Laboratory will co-develop this database and analyses.

Recently, Arctic and sub-Arctic oceanographic data from Sweden, Poland, the U.S., and Canada were added to WOD98, and more data are being processed for future updates.

The National Geophysical Data Center (NGDC) has several ongoing data rescue and exchange programs with Russian counterparts to rescue, digitize, and render available geophysical data from Russia. Most of these are part of larger data exchange programs. Likewise, the National Snow and Ice Data Center (NSIDC), in collaboration with NGDC, has been involved in extensive Russian and former Soviet Union data rescue activities. The NOAA/NESDIS Environmental Services Data and Information Management program has funded most of these activities. A list of rescued data sets at NSIDC is available to the Commission. Many more data sets are in need of rescue and publication. These include ice station seismic refraction stations, borehole temperature measurements, and additional years of sea ice data.

Since 1989 the National Climatic Data Center has been exchanging meteorological and climate data on an annual basis with the All-Russian Research Institute for Hydrometeorological Information (RIHMI) under the ''U.S.-Russia Agreement on the Cooperation in the Field of Protection of the Environment and Natural Resources.'' Data exchanged include three- and six-hourly synoptic weather reports (since 1966), daily temperature and precipitation (since 1884), daily snow (since 1874), daily snow in heavily wooded areas (since 1996), monthly total precipitation (since 1890), and upper air data (since 1960).

In 1996 a project was initiated with RIHMI to rescue synoptic weather observations contained on 10,000 magnetic tapes at risk of being lost due to age and deterioration. The data from approximately 80 observing sites from 1891 to 1935, 700 stations from 1936 to 1965, 1300 sites from 1966 to 1984, and 2000 sites from 1985 to the present were copied to new media. In addition, daily precipitation data were extracted from the observations and provided to the National Climatic Data Center for the preparation of a U.S.-Russian precipitation data set for research.

During 1999 a cooperative project was initiated to make available to NCDC the upper air data from the Russian Arctic drifting stations (data beginning during the 1950s).

Environmental Protection Agency

The Environmental Protection Agency's Office of Research and Development (ORD) has shown little interest in the study of the special environmental concerns in the Arctic. Although the EPA–ORD was closely engaged in the Arctic and a principal support for the activities of the Arctic Environmental Protection Strategy up until 1994, subsequent involvement has been minimal. This has left the United States committed to programs under the Arctic Environmental Protection Strategy, particularly in AMAP, for which the appropriate agency (Environmental Protection) refrained from providing support. The Commission considers this to have been a short-sighted decision and recommends strongly that the EPA–ORD make a substantial effort in the study of contaminants in the Arctic. The U.S. has been judged an underachiever by the international community involved in the AEPS and the current discussion on the future of AMAP under the Arctic Council has become very difficult given that there are no plans for EPA–ORD to directly support AMAP efforts.

The Commission notes the workshop held in Fairbanks in the summer of 1996. The Commission also notes that the intention, announced at the 1996 Meeting by the Head of the Office of Research and Development, to establish an Arctic baseline study station at Denali National Park fails to understand that the Park is not in the Arctic, that experimental opportunities in a National Park are extremely limited, and that there are a number of superior sites in Alaska, notably Toolik Lake and the Barrow Environmental Observatory, which would provide a superior site where EPA could take advantage of ongoing studies by many scientists.

The ability of EPA to interact with the Native residents of the Arctic is compromised by the application of their risk assessment paradigm. This paradigm has led to the conclusion that the U.S. Arctic population is not of high priority because of its small size. This ignores the closeness of the relationship of these people to their environment (roughly 50 percent of their annual caloric intake comes from native plant and animal species), the environmental stresses on village life (almost 50 percent of Alaskan villages use the ''honey bucket'' system for human waste disposal), and their vast and ancient store of traditional knowledge of the Arctic environment.

There are important efforts in the Arctic sponsored by the EPA's Office of International Programs. EPA's Office of International Activities (OIA) has supported the study of contaminants in umbilical cord blood samples from Arctic residents. This AMAP-sponsored program was ignored during the AMAP initial assessment activities but has been resurrected with the assistance and support of EPA-OIA. EPA-OIA has proposed other activities in the Arctic including projects to assess and reduce sources of mercury and PCBs. The Commission commends EPA-OIA for their efforts and urges support for their activation and expansion.

The Arctic Research Commission expressed appreciation for ongoing research sponsored by the Office of International Activities (OIA) on contaminants in cord blood of Native infants, and strong concerns about the lack of investment by the Office of Research and Development (ORD). Below are responses to these concerns, and a brief outline of EPA's relevant activities.

Support of AMAP

EPA's decision to withdraw from the AMAP process in 1994 was based on issues other than recognition of the importance of this activity. EPA has re-engaged with AMAP by directly supporting the Heavy Metals workgroup and conducting other work relevant to contaminant issues in the Arctic.

In March 1999 the Office of Research and Development (ORD) agreed to chair the Heavy Metals Team during AMAP Phase II. To that end, EPA organized and sponsored a workshop ''Heavy Metals in the Arctic'' in September 1999 to produce a final AMAP Phase II heavy metals research plan and to establish an international heavy metals team. ORD has committed to producing a Phase II report in 2003 that includes unreported U.S. data from Phase I and new data from Phase II. The eco-system-level risk assessment process will serve as the conceptual framework for organizing research results. EPA's ability to launch major new research programs to fulfill AMAP research plans is problematic. Available funds will have to be used strategically to focus on the most essential portions of the AMAP Phase II plan. For success, efforts will be made to find matching funds through partnerships and coordination.

AMAP is targeting ''effects'' and plans a special workgroup on combined effects during Phase II. The ORD has also targeted this as an issue and is planning a combined symposium and workshop for multiple stressors and combine effects on the Arctic Bering Sea during FY 00. Workshop results will be framed by the risk assessment process and offered to AMAP as an alternative approach for addressing this scientific challenge.

Arctic Research

The Denali National Park Demonstration Intensive Site Project under the Environmental Monitoring and Assessment Program was designed to establish an air quality station with UV-B monitoring capability. Data collected there can and do provide very useful information about changes in UV-B radiation in northern regions as well as long-

range transport of airborne contaminants from parts of the world very remote from Alaska. However, EPA agrees that the Denali National Park research station is outside of the Arctic and recognizes the need for additional Arctic research. To further development of an Arctic research program, ORD established an Arctic Program office in Anchorage, Alaska. Program staffs are directly involved in AMAP and the Bering Sea Regional Geographic Initiative (see ''Risk Assessment'' below).

The Office of International Activities (OIA) has been a lead in supporting basic research with international implications characteristics of Arctic environmental concerns. OIA, in partnership with the ORD National Effects Research Laboratory and in coordination wit NOAA and DOE, installed a new state-of-the-art mercury Tekran speciation monitoring unit at the NOAA research station in Barrow, Alaska. The equipment became operational in January 1999 and confirmed the ''Arctic Sunrise'' phenomenon this spring. In addition, OIA has continued its support of the Alaska Native Cord Blood Monitoring Program. The program is designed to monitor the levels of selected heavy metals (including mercury) and persistent organic pollutants (including PCB congeners) in umbilical cord and maternal blood of indigenous groups of the Arctic. The study will generate 180 infant-mother specimen pairs and will include two groups of infants from the Faroe Islands, Greenland, and Canada) and infants recruited from the Alaska native American populations. Other OIA activities include the Multilateral Cooperative Pilot Project for Phase-Out of PCB Use, and Management of PCB-Contaminated Wastes in the Russian Federation.

REPA Region 10 continues to support contaminants research through a new partnership with the Sea Otter Commission to expand efforts in monitoring persistent, bioaccumulative, and toxic pollutants (PBTs) in subsistence foods in Alaska. The Traditional Knowledge and Radionuclides Project, conducted in partnership with the Alaska Native Science Commission, is ongoing

Risk Assessment

Risk assessment has a varied history of development and use in EPA. Within the last 10 years, the process and its application have broadened dramatically from single-stressor-driven assessments to complex integrated ecosystem assessments for multiple stressors and combined effects. While it is true that EPA tends to target most resources toward environmental issues impacting areas of greater population density, this is a priority setting exercise rather than an application of the risk assessment process.

EPA has found the broadened risk assessment approach to be very effective in bringing together scientific research and management strategies. Specifically it allows communities to use available scientific information (and, particularly in the Arctic, traditional knowledge) to better understand what complement of stressors may be causing undesirable change in important values, key scientific questions that need to be investigated, and alternative problem solving strategies designed to achieve environmental results.

It is within this broader frame of reference that EPA is focusing resources and time in the Arctic. The risk assessment process involves multiple steps, including planning (establishing shared goals), problem formulation (using available knowledge to develop conceptual models), analysis (exposure and effects data), and risk characterization (establishing relationships). The Bering Sea Regional Geographic Initiative, sponsored by Region 10 and ORD, is focused on planning and problem formulation to help make sense of the enormous amount of available data and to give direction to future research in the Bering Sea. The Traditional Knowledge and Radionuclides Project sponsored by Region 10 is helping redefine the risk management process with tribes and may offer new ways to re-frame how risk assessment is used in the Arctic. In a similar vein, ORD has begun planning and problem formulation for the Pribilof Islands in partnership with the people of St. Paul to develop a demonstration case study of the process within a Native community. Risk assessment will also provide the conceptual framework for reporting on heavy metals for AMAP Phase II.

These activities will provide significant lessons within the Arctic about how to establish management direction, identify data gaps and research opportunities, link research to management concerns, and provide a legitimized use of traditional knowledge.

Department of State

The Department of State is responsible for the negotiation and operation of our international agreements in the Arctic. The Department seeks input from the IARPC agencies and others through the Arctic Policy Working Group, which meets monthly with the Polar Affairs Section at State. Over the years a disconnect has occurred between the Department and the officials in other agencies making the vital decisions affecting our participation and performance in international programs. This stems principally from the lack of coordination between what the agencies will actually do and the policies expressed in these programs. The most obvious case was the failure of the United States to participate in the AMAP health study of contaminants in umbilical cord blood. While endorsing this program and its goals on the one hand, no samples were actually sent for analysis even though samples existed. The result is that the United States has been viewed with a certain amount of scorn in AMAP meetings (the Commission notes that this program has finally begun under the auspices of the EPA Office of International Activities). The cure for this is certainly not simple. The most important step, however, is that the Department of State must, in the future, meet with Agency policy officials to review their recommendations, spell out the equivalent commitments to action by agencies, and modify their positions accordingly. These meetings must be carefully prepared so that the issues to be discussed are clearly spelled out and that the nature of the commitment required from the agencies is understood well beforehand so that the agencies can come to the table prepared to make commitments.

The complexity of this problem can be seen in the state of affairs in October 1998. In October the United States took over the chair of the Arctic Council. At the same time, agency budget appropriations were passed for FY 99 but virtually no specific budget commitments were identified as supporting investigations relevant to Arctic Council needs. Many relevant activities occur in agency programs which could demonstrate U.S. commitment to the Arctic Council but there is no system to collect results and report on relevant U.S. activities to the Council and no financial support for these activities. This problem needs to be addressed immediately for FY 00 and beyond.

The Department of State is puzzled by the Arctic Research Commission's recommendations for the Department with regard to facilitation of U.S. Arctic Research. The entire first paragraph is, verbatim, what was reported in their ''Seventh Biennial Report to Congress,'' which was submitted last year and which covered the period of February 1, 1996 to January 1, 1998. The incident that they highlight as an example of an ''interagency disconnect'' that resulted in ''complete failure'' of the United States to participate in an Arctic Council program occurred in 1996 and involved a Federal agency outside of the control of the State Department. From the perspective of the Department, it appears that the Arctic Research Commission has not seen our response to this same evaluation last year. In that initial response, we explained in detail what the State Department's role is with regard to facilitating U.S. research in the Arctic and the formulation of U.S. Arctic policy. It appears that the Arctic Research Commission has failed to take this into consideration. With regard to the additional language that the Commission has submitted this year, the Department would like to emphasize that all queried Federal agencies, with the exception of one, offered general support for the U.S. chairmanship of the Arctic Council. While we are not in a position to comment on the contents of the budgets of other agencies with regard to support for the U.S. chairmanship, we note that the Department received financial support in the amount of $250,000 for its Arctic Council chairmanship in FY 99 and has requested financial support for the Arctic Council in its FY 00 budget request. We also note that a number of other agencies, among them the Departments of Commerce/National Oceanic and Atmospheric Administration, Energy, Interior/Fish and Wildlife Service, and Environmental Protection Agency, have committed both financial resources and staff time to assist with chairing the Arctic Council. We also note that the Department of State has been generally pleased with the level of participation and leadership from the aforementioned U.S. agencies and others within the Arctic Council's working groups.

U.S. Coast Guard

The U.S. Coast Guard is the principal provider of research time on icebreakers for U.S. scientists not collaborating with other nations. In the past, the lack of an open system for soliciting participants and planning cruises has produced friction and disagreement as well as some important successes. With the advent of *Healy*, the new Coast Guard icebreaker, a new system must emerge. The dialog between the scientific community which will be using *Healy*, Coast Guard designers, and ship builders has been substantially improved. The formation of the Arctic Icebreaker Coordinating Committee has been successful and has led to substantial improvements in the design of research facilities aboard *Healy*. In the near future the need for liaison and coordination will change from the construction team to operations. The Commission anticipates that the Coast Guard will work closely with the AICC drawing upon the U.S. academic community's substantial level of experience in oceanographic operations generally and in Arctic studies in particular.

The AICC and the closer cooperation in which it is participating will not help to produce the potential for a new era of U.S. Arctic research unless a commitment to operating funds for icebreaker utilization is forthcoming. The Commission has recommended to the National Science Foundation that it provide funds for full utilization of Coast Guard icebreakers at up to 200 operating days per year as appropriate depending on funding. The Coast Guard should support NSF in its efforts to provide these funds.

The Coast Guard will depend heavily on the Arctic research community to participate in determining scheduling priorities for *Healy*. The UNOLS Ship Time Request System will be the primary mechanism for fielding and sorting requests for ship access.

There is a clear need for subsequent scheduling meetings to occur. A specific plan for arbitrating competing scheduling demands has yet to be defined. A discussion of how this process should work is an agenda item for the January 2000 Arctic Icebreaker Coordinating Committee meeting. The Coast Guard envisions a process where it provides information on ship availability and operational access to specific areas and where the science community takes responsibility for prioritizing research goals that will result in actual ship access for investigators. Input from the Arctic Research Commission, the National Research Council, and the National Science Foundation will be key to developing an equitable system that meets the national research requirements.

Interagency Task Force on Oil Spills

There is a substantial dearth of knowledge about oil spills in Arctic conditions. The Commission has long recommended a substantial research program on the behavior of oil in ice-infested oceans based in part on the research agenda spelled out in Appendix I. In addition, the Commission has had substantial discussions with the Oil Spill Recovery Institute. The Commission in collaboration with the Alaska Clean Seas Association and others has recommended test burns in the Arctic Ocean to study the variety of questions associated with this highly effective method of disposing of oil on the sea. The Commission recommends that the Interagency Task Force commence such a program soon, before the question is made imperative by an accident in the Arctic.

The Coast Guard supports the ARC in its recommendation to commence a research program on the behavior of oil in ice-covered waters, although no funds are currently available to support such a program. The Coast Guard continues to endorse the preparedness and response efforts of the Emergency Preparedness Prevention and Response Working Group of the Arctic Council, as well as individual national research.

The task force was established as the Coordinating Committee on Oil Pollution Research (CCOPR) under Title VII of Public law 101–380, otherwise known as the Oil Pollution Act of 1990. The Committee has not been funded since FY 95. As a result the Coordinating Committee has focused on ensuring that the research and development projects of its member agencies are discussed and the results of that research and development are shared with Federal, state, local, and private sector researchers. The Coordinating Committee has been unable to initiate any research not already approved by an agency as part of the agency's mission-specific activities. Thus, a proposal for the Committee to initiate and manage a research and development program to study methods of disposing of oil in Arctic waters is not viable at this time. The Arctic Research Commission may wish to propose meeting with the Coordinating Committee to discuss proper research foci with attendant partnership funds to the individual agencies that comprise the Coordinating Committee.

National Aeronautics and Space Administration

The Commission has been briefed on the programs undertaken by NASA in the Arctic or having a substantial component in the Arctic. These programs are clearly of a high caliber. The Commission notes, however, that these programs are poorly publicized outside of the community of NASA Principal Investigators. The Commission recommends that NASA carry out a program of outreach to the Arctic Research Community to publicize these programs and to encourage broader participation. NASA is always at risk for the engineering side of their programs to overwhelm scientific uses and needs. The Commission believes that by broadening the participation of the research community in their programs, NASA can benefit from the resulting community support.

The Commission also notes that NASA is a participating agency in the International Arctic Research Center and supports the Alaska Synthetic Aperture Radar Facility at the University of Alaska. The Commission supports these efforts and looks forward to their continuation and expansion.

NASA welcomes the support of the Arctic Research Commission for its Arctic research program. NASA is sympathetic to the need for outreach of its programs within the broader scientific community. NASA has established procedures by which it seeks to inform the broader community of its goals and vision.

NASA publishes a Science Implementation Plan for the Earth Science Enterprise, which includes Arctic research. This document is reviewed outside NASA and provides an opportunity for scientists to understand the scope of planned activities and their relationship to overarching science goals. NASA has invested in the development of effective user interfaces at its Data Active Archive Centers, realizing how important these are to the productive use of mission data. In continued recognition of this, NASA initiated a National Research Council Polar Research Board review of its polar geophysical products during 1999, with a view to obtaining independent and science-driven advice on how best to provide data sets for Arctic researchers. Furthermore, through this review, NASA seeks to develop a strategy for broader use of its polar data sets by the research community.

In recognition of the important role that the Arctic plays in global climate, NASA will continue to support Arctic research. The Alaska SAR Facility and the International Arctic Research Center each have important roles to play in encouraging innovative and collaborative Arctic research.

National Institutes of Health

Under the Arctic Environmental Protection Strategy the United States has become involved in programs concerning the health of Arctic residents, particularly the indigenous people of the region. In particular, the AMAP health study has been focused on environmental effects on health in the region. When the United States undertook to sign the AEPS Declaration (and subsequently the Arctic Council Declaration) the message to agencies was that there would be no new money requested or appropriated for these activities. As a result, the U.S. effort in the AMAP health program has been paltry. It is clear that the responsibility for the national effort in this regard falls to the National Institutes of Health, particularly the National Institute for Environmental Health Studies. Unfortunately, the NIH–NIEHS effort has been virtually nonexistent. The Commission recommends that NIH immediately organize an Arctic Environmental Health Study focused primarily on the measurement program outlined by the Arctic Monitoring and Assessment Program. In addition, the study of incidences and trends in the major causes of morbidity and mortality in the Arctic should be included in Arctic Council activities, perhaps as an initiative is sustainable development. The effects of both communicable diseases such as tuberculosis, systemic diseases such as diabetes and cancer, and external causes of illness and death such as alcoholism and accident have profound effects in the Arctic.

The NIH should undertake to become the focal point for Arctic Council health studies in both AMAP and the sustainable development activities of the Council. To this end NIH should provide secretariat support for U.S. Arctic Council health-related activities and take on the responsibility to see that the myriad relevant efforts at NIH and elsewhere are collected and reported to the Arctic Council as the U.S. contribution. This activity should also include a program, in collaboration with relevant State of Alaska agencies and institutions, to synthesize these results and return them to the Arctic community in understandable language along with their implications for life in the Arctic.

The Arctic Research Commission observed that, despite the agreement that the United States participate in the Arctic Environmental Protection Strategy (AEPS) and subsequently the Arctic Council, no new monies were requested or appropriated. U.S. efforts in AMAP (Arctic Monitoring and Assessment Program) were considered paltry. The ARC recommended that the National Institutes of Health (NIH), particularly its component, the National Institute of Environmental Health Sciences (NIEHS), organize an Arctic Environmental Health Study, focused on AMAP measurements. A study of the major causes of morbidity and morality was suggested to be included in Arctic Council activities (but perhaps as part of Sustainable Development), and the NIH should become a focal point for reporting health studies to the Arctic Council, including informing the Arctic community of implications for life in the Arctic.

The NIH, and its sister agencies within the Public Health Service (PHS), namely the Centers for Disease Control and Prevention (CDC) and the Indian Health Service (IHS), are pleased to note considerable progress in supporting several programs under the Arctic Council, including both AMAP/Human Health and Sustainable Development.

AMAP Monitoring Program

Although the initial focus of AMAP was on the exposures to, and effects of, anthropogenic pollution, there has been a broadening of its sphere of interest, especially among the Human Health expertroup, to include ancillary aspects that are related to the central focus.

The Alaska Native Tribal Health Consortium, which derived from, and closely affiliates with, the Indian Health Service, is sponsoring the Alaska Native Cord Blood Monitoring Program, with the additional financial and moral support of many other Federal, state, and local organizations. Such a monitoring program comprised a ''core activity'' of AMAP in its first phase, during which the U.S. was not able to participate. Now, however, during the second phase of AMAP, the U.S. is a full partner in the Arctic region monitoring efforts.

AMAP Biomarkers Conference

It is evident that there would be tremendous value in utilizing more sensitive indicators of exposure to, and of the possible adverse effects of, the various anthropogenic pollutants found in the Arctic environment. Applicability of very sensitive ''biomarkers'' based on genetic or biochemical tests could be expected to advance the research agenda considerably if properly understood and applied. With this in mind the National Institute of Environmental Health Sciences, NIH, is sponsoring the International AMAP–2 Biomarkers Conference, in Anchorage, Alaska, in early May 2000. The conference will bring together Arctic health researchers and experts on the use of biomarkers, with the purpose of achieving cross fertilization of ideas and identifying opportunities.

Emerging and Re-emerging Infectious Diseases

The Arctic Investigations Program of the Centers for Disease Control and Prevention

is contributing to the Human Health research agenda through its program to study emerging and reemerging infectious diseases in the Arctic. This is especially apropos because of the suspected relationship of the adverse health effects of pollution on an individual's resistance to infections (e.g. due to an impaired immune response), especially in newborns, infants, and youth.

Arctic Environmental/Health Database

Under consideration is a proposed computerized database that would incorporate traditional environmental/health knowledge from indigenous Arctic populations as well as available data entries in the National Library of Medicine (NLM, NIH) Medline database. The challenge is how to acquire and codify such traditional knowledge in a machine-readable format. If the project can be implemented, it would include education and training of Arctic populations on the access to, and use of, the database, which would also provide a means of disseminating the activities of the Arctic Council AMAP, Sustainable Development, and other working groups.

Arctic Telemedicine

In support of the Sustainable Development initiative proposed by the State of Alaska, the PHS, which chairs the White House Joint Working Group on Telemedicine, is providing input to the Telemedicine Initiative. NIH components that will be involved include the National Library of Medicine (extramural grants support program) and the NIH Clinical Center (intramural telemedicine project).

Department of the Interior

The U.S. Geological Survey has led the effort by IARPC agencies in the assembly of a data structure for Arctic research. Unfortunately, there has never been a satisfactory funding base for this program. In the past, many IARPC agencies have contributed to this effort but these contributions have faded. Only NSF continues to provide support. The Commission recommends that the USGS and the Department of the Interior accept that this program belongs to them and should be fully supported. The USGS should have the full support of the other IARPC agencies. It is particularly important that an effort be staged to save important earth science data from the former Soviet Union. Much useful data is collected in old paper records which are even more vulnerable now that fuel has become scarce in many places. The Commission has recommended that the NOAA National Data Centers undertake a data rescue project coordinated with the USGS.

The Commission is correct in stating that the data collection effort by the U.S. Geological Survey is not a funded effort. Consequently the U.S. Geological Survey is able to continue this work only as a collateral effort. The latest budget information indicates that this picture will not improve in the foreseeable future. However, the USGS intends to continue this work as best it can and will continue to seek partners to help support the program.

The USGS Water Resources Branch has recently reduced the number of hydrologic monitoring stations in the Arctic. Data from these stations are urgently needed for testing and improving the predictions of large-scale of freshwater runoff in the Arctic. In addition, fresh-water runoff affects the stratification of the Arctic Ocean and the distribution of nutrients, traces, and contaminants brought to the Arctic Ocean from the land. The World Climate Research program—Arctic Climate System Study maintains an Arctic Runoff Data Base for these purposes. The Commission recommends that the USGS rebuild a strong program of Arctic hydrologic measurements.

The measurement of Arctic rivers and streams has never enjoyed sufficient funding, so there are just two rivers that flow directly into the Arctic that have stream gages in operation. The cost of maintaining a stream gage on an Arctic river that requires helicopter access is prohibitive. Consequently, unless the budget picture improves significantly, it is unlikely that the U.S. Geological Survey can increase the density of gages in the Arctic. However, the USGS will continue to gather as much information as possible and also promote cooperation with other interested parties whenever possible.

Members and staff of the Commission have visited the National Park Service research logistics housing facility at Nome, Alaska. The Park Service is to be commended for this effort and other agencies should consider the Park Service's example as a model to follow.

The Department thanks the Commission for its continuing endorsement of the National Park Service program.

The Fish and Wildlife Service of the Department has been a stalwart in the work of the Arctic Council's working group on the Conservation of Arctic Flora and Fauna. The Commission recommends that other divisions of the Department follow the example of the Fish and Wildlife Service in their support of Arctic Council Activities.

The Department thanks the Commission for its continuing support for the Fish and Wildlife Service's Arctic Council activities.

Department of Energy

The energy needs of Arctic villages in Alaska are extreme. Poor transportation to remote villages, small communities unable to take advantage of the economies of scale usually associated with municipal energy systems, a mixed economy with only modest cash flow, and the lack of a sophisticated technical infrastructure all make the provision of adequate energy resources in the Arctic difficult. The Commission has no specific programs to recommend but will undertake a review of DOE's village energy programs in FY 99. This study will lead to a Commission Special Report with specific recommendations for research and development of appropriate technology for the Arctic.

The State of Alaska faces many unique challenges in helping to ensure that its citizens have access to affordable and reliable electric power. These challenges are particularly evident in rural areas of the state, where electricity is primarily produced by small, expensive, and difficult to operate and maintain diesel power plants. At present the cost of electricity for rural customers is eased somewhat by the availability of the Power cost Equalization (PCE), an electric rate subsidy program administered by the Alaska Department of Community and Regional Affairs (DCRA). However, funds for the PCE are derived from the sale of oil from Prudhoe Bay and are projected to be exhausted in 2000 or 2001, and when that occurs, electricity rates in rural areas could rise substantially. Faced with higher electricity costs, and the potential danger of environmental damages related to the use of petroleum energy in a fragile Arctic ecosystem, various Alaskan entities are now exploring ways in which renewable sources of energy can aid in the production of electric power. To better understand the role that renewable energy can play, the DOE's Wind energy Program is engaged in collaborative efforts with a number of Alaskan organizations at the state and local levels to explore ways in which wind can make a greater contribution in the production of electric power.

The Department of Energy has been an important source of technology transfer to the Russian nuclear power reactor program. Unfortunately, budget reductions threaten this vital activity. The Commission is concerned that the future of U.S. participation is in jeopardy and that in the future nuclear energy production particularly in the Russian Arctic may proceed without the support of the Department of Energy. The budget for interaction with Russia on nuclear power systems should be supported and reinforced.

The concerns of the Commission are noted. The Department agrees that nuclear safety in the Russian Federation remains an important focus of international concern.

The Commission fully supports the activities in the Arctic under the Agency's Atmospheric Radiation Measurement (ARM) Program. The ARM Program is an important research effort and is also an outstanding example of close cooperation between researchers and Native communities and stands as an example for other research programs.

The Department thanks the Commission for its continuing endorsement of the ARM Program.

Interagency Arctic Research Policy Committee (IARPC)

Unfortunately, the current budget stringency has caused the IARPC agencies to become hesitant about Arctic research in the face of the many other demands on their scarce resources. At the same time, however, the national commitment to activities in the Arctic has grown. This is particularly true in the case of the Arctic Council. The Commission recommends that the NSE, in its role as lead agency for Arctic research, call together the IARPC Seniors to agree on a plan of research to support U.S. participation in the Arctic Council which goes beyond the current rhetoric and demonstrates the national commitment to carry on the goals of the U.S Arctic Policy expressed by the President on 29 September 1994. Since the appropriation of new money to meet these commitments depends on timely consideration of the nation's participation in the Arctic Council, which we currently chair, and the submission of budget requests to allow agencies to meet their responsibilities as member and chair to the Council, it is imperative that the IARPC agencies come to the table with the intention to request and redirect resources to carry out this task.

The biennial revision to the U.S. Arctic Research Plan for 2000–2004, as approved by the IARPC, includes a multiagency focused initiative that is intended to support U.S. participation in the Arctic Council. The Department of State is the lead agency for the Arctic Council. The Department of State has assigned personnel and resources to support the Arctic Council secretariat, although no separate resources were requested to support the research program. Several agencies are conducting research that supports Arctic Council priorities.

On another front, the United States agencies need to update the IARPC plan for a comprehensive study of the Arctic Ocean. While current experiments are important and of high quality, there is no current plan for the study of the Arctic Ocean which provides context for these studies. The National Science Foundation has commissioned the formulation of a strategy for the study of the Arctic Ocean. The other IARPC agencies with responsibilities for research in the Arctic Ocean include Navy, NOAA, USGS, USCG, EPA, NASA and parts of several others. IARPC should organize an interagency meeting of the principal agencies responsible for Arctic Ocean research. The Commission has recommended such a plan in the past and feels even more strongly that an organized

effort is needed given the increasing evidence for rapid and substantial change in the Arctic Ocean. The Commission recommends that IARPC update the 1990 IARPC report ''Arctic Oceans Research: Strategy for an FY 1991 U.S. Program'' on a multi-agency basis and that this program be submitted to the Office of Management and Budget and the Office of Science and Technology Policy for consideration on a budget-wide basis.

The biennial revision to the U.S. Arctic Research Plan for 2000–2004, as approved by the IARPC, includes a multiagency focused initiative on Arctic Marine Sciences. This is IARPC's update of the 1990 IARPC report ''Arctic Oceans Research: Strategy for an FY 1991 U.S. Program.''

The Commission also notes their recommendation above the IARPC publish an annual report on Bering Sea research.

The IARPC biennial report of agency accomplishments, to be published in the IARPC journal Arctic Research of the United States (Spring/Summer 2000), will highlight Bering Sea research.

MESSAGES FROM THE HOUSE

At 12:29 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, in which it requests the concurrence of the Senate:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 327. Concurrent resolution honoring the service and sacrifice during periods of war by members of the United States merchant marine.

At 3:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

At 4:31 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

At 6:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate 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, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. PACKARD, Mr. ROGERS, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. CALLAHAN, Mr. LATHAM, Mr. WICKER, Mr. YOUNG of Florida, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, Mr. FORBES, and Mr. OBEY, be the managers of the conference on part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. PACKARD, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Ms. GRANGER, Mr. YOUNG of Florida, Mr. SABO, Mr. OLVER, Ms. KILPATRICK, Mr. SERRANO, Mr. FORBES, and Mr. OBEY, be the managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed today, September 14, 2000, by the President pro tempore (Mr. THURMOND):

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

At 6:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1374. An act to authorize the development and maintenance of a multi-agency campus project in town of Jackson, Wyoming.

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall.''

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station.''

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center.''

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the ''James H. Quillen United States Courthouse.''

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 327. Concurrent resolution honoring the service and sacrifice during periods of war by members of the United States merchant marine; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

The following bill was read the second time, and placed on the calendar:

H.R. 2090. An act to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinate oceanography program.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 14, 2000, he had presented to the President of the United States the following enrolled bills:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1534: A bill to reauthorize the Coastal Zone Management Act, and for other purposes (Rept. No. 106–412).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 701: A bill to provide Outer Continental Shelf Impact Assistance to State and

local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes (Rept. No. 106–413).

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. SESSIONS (for himself, Mr. CLELAND, Mr. THURMOND, Mr. MILLER, Mr. DODD, Mr. FRIST, Mr. HATCH, Mr. LOTT, Mr. L. CHAFEE, Mr. MACK, Mr. HELMS, Mr. SPECTER, Mr. SANTORUM, Mr. NICKLES, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. JEFFORDS, Mr. ABRAHAM, Mr. THOMAS, Mr. SHELBY, Mr. KYL, Mr. ASHCROFT, Mr. HARKIN, Mr. MCCONNELL, Mr. BENNETT, Mr. GRAMS, and Mr. BUNNING):

S. 3045. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. SANTORUM, Mr. NICKLES, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. JEFFORDS, Mr. ABRAHAM, Mr. THOMAS, Mr. SHELBY, Mr. KYL, and Mr. ASHCROFT):

S. 3046. A bill to amend title II of the United States Code, and for other purposes; read the first time.

By Mr. BIDEN:

S. 3047. A bill to amend the Internal Revenue Code of 1986 to expand the Lifetime Learning credit and provide an optional deduction for qualified tuition and related expenses; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. WELLSTONE, and Mrs. BOXER):

S. 3048. A bill to institute a moratorium on the imposition of the death penalty at the Federal level until a Commission on the Federal Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Mr. EDWARDS, Mr. ASHCROFT, and Mr. DURBIN):

S. 3049. A bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. DOMENICI):

S. 3050. A bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. MCCAIN, and Mr. JOHNSON):

S. 3051. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3052. A bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMAS:

S. 3053. A bill to prohibit commercial air tour operations over national parks within the geographical area of the greater Yellowstone ecosystem; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. CRAIG, Mr. LEAHY, Mr. MCCONNELL, Mr. KERREY, and Mr. GRASSLEY):

S. 3054. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON (for himself and Mr. HUTCHINSON):

S. 3055. A bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the medicare program; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. CLELAND, Mr. THURMOND, Mr. MILLER, Mr. DODD, Mr. FRIST, Mr. HATCH, Mr. LOTT, Mr. L. CHAFEE, Mr. MACK, Mr. HELMS, Mr. SPECTER, Mr. SANTORUM, Mr. NICKLES, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. JEFFORDS, Mr. ABRAHAM, Mr. THOMAS, Mr. SHELBY, Mr. KYL, Mr. ASHCROFT, Mr. HARKIN, Mr. MCCONNELL, Mr. BUNNING, and Mr. GRAMS):

S. 3045. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, on June 9, 1999, the late Senator Paul Coverdell introduced legislation aimed at addressing one of the most pressing problems facing law enforcement today: the critical backlogs in our state crime labs. Senator Coverdell's National Forensic Sciences Improvement Act of 1999 (S. 1196) attracted broad bipartisan support in Congress, as well as the enforcement of national law enforcement groups. Unfortunately, before Senator Coverdell's bill could move through Congress, he passed away.

As a fitting, substantive tribute to Senator Coverdell, I am today introducing the Paul Coverdell National Forensic Sciences Improvement Act of 2000 to eliminate the crisis in forensics labs across the country. This was an issue he cared a great deal about, and I am honored to have the opportunity to carry on his efforts to address this problem.

The crisis in our forensics labs is acute. According to a report issued in February by the Bureau of Justice Statistics, as of December 1997, 69 percent of state crime labs reported DNA backlogs in 6,800 cases and 287,000 convicted offender samples. The backlogs are having a crippling effect on the fair and speedy administration of justice.

For example, the Seattle Times reported on April 23 of this year that police are being forced to pay private labs to do critical forensics work so that their active investigations do not have to wait for tests to be completed. ''As Spokane authorities closed in on a suspected serial killer, they were eager to nail enough evidence to make their case stick. So they skipped over the backlogged Washington State Patrol crime lab and shipped some evidence to a private laboratory, paying a premium for quicker results. [A] chronic backlog at the State Patrol's seven crime labs, which analyze criminal evidence from police throughout Washington state, has grown so acute that Spokane investigators feared their manhunt would be stalled.''

As a former prosecutor, I know how dependent the criminal justice system is on fast, accurate, dependable forensics testing. With backlogs in the labs, district attorneys are forced to wait months and years to pursue cases. This is not simply a matter of expediting convictions of the guilty. Suspects are held in jail for months before trial, waiting for the forensic evidence to be completed. Thus, potentially innocent persons stay in jail, potentially guilty persons stay out of jail, and victims of crime do not receive closure.

As an Alabama newspaper, the Decatur Daily, reported on November 28, 1999, ''[The] backlog of cases is so bad that final autopsy results and other forensic testing sometimes take up to a year to complete. It's a frustrating wait for police, prosecutors, defense attorneys, judges and even suspects. It means delayed justice for the families of crime victims.'' Justice delayed is justice denied for prosecutors, defendants, judges, police, and, most importantly, for victims. This is unacceptable.

Given the tremendous amount of work to be done by crime labs, scientists and technicians must sacrifice accuracy, reliability, or time in order to complete their work. Sacrificing accuracy or reliability would destroy the justice system, so it is time that is sacrificed. But with the tremendous pressures to complete lab work, it is perhaps inevitable that there will be problems other than delays. Everyone from police to detectives to evidence technicians to lab technicians to forensic scientists to prosecutors must be well-trained in the preservation, collection, and preparation of forensic evidence.

The JonBenet Ramsey case is perhaps the most well-known example of a case where forensics work is critical to convicting the perpetrator of a crime. As the Rocky Mountain News reported on February 2, 1997, ''To solve the slaying of JonBenet Ramsey, Boulder police must rely to a great extent on the

results of forensic tests being conducted in crime laboratories. [T]he looming problem for police and prosecutors, according to forensics experts, is whether the evidence is in good condition. Or whether lax procedures . . . resulted in key evidence being hopelessly contaminated.''

We need to help our labs train investigators and police. We need to help our labs reduce the backlog so that the innocent may be exonerated and the guilty convicted. We need to help our labs give closure to victims of crime.

The bill I am introducing today is essentially a reintroduction of Senator Coverdell's National Forensic Sciences Improvement Act of 1999 (S. 1196). The bill expands permitted uses of Byrne grants to include improving the quality, timeliness, and credibility of forensic science services, including DNA, blood and ballistics tests. It requires States to develop a plan outlining the manner in which the grants will be used to improve forensic science services and requires States to use these funds only to improve forensic sciences, and limits administrative expenditures to 10 percent of the grant amount.

This new bill adds a reporting requirement so that the backlog reduction can be documented and tracked. Additionally, the funding is adjusted to begin authorizations in Fiscal Year 2001, rather than FY 2000, as S. 1196 did. Otherwise, this is the exact same bill Senator Coverdell introduced and that I and many of my colleagues supported.

This bill has the support of many of my colleagues from both sides of the aisle, including Senators CLELAND and MILLER from Georgia, Senators LOTT, NICKLES, HATCH, STEVENS, THURMOND, SHELBY, COCHRAN, KYL, WELLSTONE, DODD, GRAMS, DURBIN, FRIST, HELMS, SPECTER, SANTORUM, JEFFORDS, ABRAHAM, L. CHAFEE, MACK, BUNNING, ASHCROFT, HARKIN, and others. I also appreciate the strong support of Representative SANFORD BISHOP of Georgia, the primary sponsor of Senator Coverdell's bill in the House.

I spoke with Attorney General Reno last night, and she told me that she ''supports our efforts to improve forensic science capabilities.'' She also told me that this bill ''is consistent with the Department of Justice's approach to helping State and local law enforcement.''

Moreover, numerous law enforcement organizations, including the American Society of Crime Laboratory Directors, American Academy of Forensic Sciences, Southern Association of Forensic Sciences, the National Association of Medical Examiners, the International Association of Police Chiefs, the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, Georgia Bureau of Investigation, the National Association of Attorneys General, and the National Association of Counties.

These Members of Congress and these organizations understand, as I do, that crime is not political. Our labs need help, and after 15 years as a prosecutor, I am convinced that there is nothing that the Congress can do to help the criminal justice system more than to pass this bill and fund our crime labs. To properly complete tests for DNA, blood, and ballistic samples, our crime labs need better equipment, training, staffing, and accreditation. This bill will help clear the crippling backlogs in the forensics labs. This, in turn, will help exonerate the innocent, convict the guilty, and restore confidence in our criminal justice system. I hope my colleagues will join me in passing the Paul Coverdell National Forensic Sciences Improvement Act of 2000 in the short time we have remaining in this Session.

Mr. HUTCHINSON. Mr. President, I rise today in support of the Paul Coverdell National Forensic Sciences Improvement Act of 2000. I am proud to be an original cosponsor of this important and necessary legislation and commend my friends, Senator SESSIONS and the late Senator Coverdell, for all of their hard work and leadership they have shown in this matter.

To justify the need for this legislation, I point to the situation that the Arkansas State Crime Lab is experiencing as a direct result of the exponential increase in the production, use, and distribution of methamphetamine. Simply put, with 16,000 test requests this year—resulting in a backlog of over 6,000 cases—the Arkansas State Crime Lab is at the breaking point. Accordingly, it now takes five to six months from the receipt of a sample to complete the analysis necessary for prosecution. I commend and thank Senator GREGG for his assistance in the procurement of funding to hire three additional chemists. However, I recognize that Arkansas is not alone in its great need and that Congress must authorize more federal funding to fight the ever-increasing proliferation in the production, use, and distribution of illicit substances in our nation.

The Act would provide an additional $768 million over the next six years in the form of block grants by the Attorney General to states to improve the quality, timeliness, and credibility of forensic science services to the law enforcement community. It would do this by allowing states the flexibility to use these monies for facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training. The Act's merit is further made manifest by the fact that it is supported by such groups as the American Academy of Forensic Sciences, the National Association of Medical Examiners, the American Society of Crime Laboratory Directors, the Southern Association of Forensic Sciences, the International Association of Chiefs of Police, the National Association of Counties, and the National Organization of Black Law Enforcement Executives. Thus, I ask my colleagues to join me in helping Senator SESSIONS in his efforts to enact that this important legislation.

Mr. BIDEN:

S. 3047. A bill to amend the Internal Revenue Code of 1986 to expand the lifetime Learning credit and provide an optional deduction for qualified tuition and related expenses; to the Committee on Finance.

COLLEGE TUITION TAX DEDUCTIONS

Mr. BIDEN. Mr. President, it has become increasingly apparent in today's society that a college education is no longer a luxury. In order for one to succeed in an ever-changing, high-tech world, a college education has become a near necessity.

However, just as a college degree becomes increasingly vital in today's global economy, the costs associated with obtaining this degree continue to soar out of control. At the same time, the annual income of the average American family is not keeping pace with these soaring costs. Since 1980, college costs have been rising at an average of 2 to 3 times the Consumer Price Index. Now, in the most prosperous time in our history, it is simply unacceptable that the key to our children's future success has become a crippling burden for middle-class families.

According to the United States Department of Education, National Center for Education Statistics, the average annual costs associated with attending a public 4-year college during the 1998–1999 school year, including tuition, fees, room, and board, were $8,018. For a private 4-year school these costs rose to an astonishing $19,970. and these are only the average costs, Mr. President. The price tag for just one year at some of the nations most prestigious universities is fast approaching the $35,000 range.

In 1996, and again in 1997, I introduced the ''GET AHEAD'' Act (Growing the Economy for Tomorrow: Assuring Higher Education is Affordable and Dependable). My main goal in introducing this legislation was to help the average American family afford to send their children to college. Although this legislation never came before the full Senate for a vote, I was extremely pleased that a number of the provisions of the GET AHEAD Act—including the student loan interest deduction and the establishment of education savings accounts—were included as part of the 1997 tax bill. Additionally, two other provisions of that bill—the Hope Scholarship and the Lifetime Learning Credit—were based upon the core proposal of my GET AHEAD ACT—a $10,000 tuition deduction.

The $10,000 tuition deduction is a proposal I have been advocating since I first announced my candidacy for the Senate 28 years ago. Today, I am building upon a proposal the President made in his State of the Union address earlier this year and am introducing legislation which would finally fully enact this proposal.

The legislation I am introducing today will provide America's middle class families with up to $2,800 in annual tax relief for the costs associated with a higher education. This plan will give families the option of taking either an expanded Lifetime Learning Credit or a tax education of up to $10,000.

Thanks to the 1997 tax bill, current law allows many American families to claim the Lifetime Learning Credit, currently a tax credit of up to 20 percent on the first $5,000 of higher education expenses—meaning a tax credit of up to $1,000 per family per year. For 2003 and after, this will increase to a credit of up to 20 percent of the first $10,000 of higher education expenses—meaning a credit of up to $2,000 per family per year.

The bill I am introducing today will expand this important tax credit to 28 percent on the first $5,000 of higher education expenses through 2002—amounting to a credit of up to $1,400. For the year 2003 and after, this will increase to a credit of up to 28 percent on the first $10,000 of higher education expenses—amounting to a credit of up to $2,000 per family per year. To give families the flexibility to choose the best approach for their own circumstances, my plan will give families the option of deducting these higher education expenses instead of taking the tax credit.

My legislation will continue to ensure that these important educational tax breaks help support middle class families while increasing the income thresholds to $60,000 per year for individuals and $120,000 for couples.

Mr. President, the dream of every American is to provide for their child a better life than they themselves had. A key component in attaining that dream is ensuring that their children have the education necessary to successfully complete in the expanding global economy. It is my hope that this legislation will help many American families move a step closer in achieving this dream and being able to better afford to send their children to college.

Mr. FEINGOLD (for himself, Mr. WELLSTONE, and Mrs. BOXER):

S. 3048. A bill to institute a moratorium on the imposition of the death penalty at the Federal level until a Commission on the Federal Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

FEDERAL DEATH PENALTY MORATORIUM ACT OF 2000

Mr. FEINGOLD. Mr. President, in recent days, Congress has held hearings and considered legislation on the terrible tragedy involving potentially defective tires manufactured by Bridgestone/Firestone and placed on certain vehicles sold by the Ford Motor Company. It has captured the nation's and the media's attention. And rightly so. I hope we are able to get to the bottom of who knew what, when, why and how.

But while Congress demands accountability from these companies, as well as the Transportation Department, Congress should also demand accountability from the Justice Department. As the Senate Commerce Committee held hearings on the Firestone tire problem the other day, a few blocks down the road the Justice Department released a report that seriously calls into question the fairness of the federal death penalty system. The report documents apparent racial and geographic disparities in the administration of the federal death penalty. In other words, who lives and who dies, and who is charged, tried, convicted and sentenced to death in the federal system appears to relate arbitrarily to the color of one's skin or where one lives. The report can be read as a chilling indictment of our federal criminal justice system.

I introduced legislation earlier this year calling for a national moratorium on executions and the creation of a commission to review the fairness of the administration of the death penalty at the state and federal levels. It is much-needed legislation that will begin to address the growing concerns of the American people with the fairness and accuracy of our nation's death penalty system. I am pleased that that bill, the National Death Penalty Moratorium Act, has the support of some of my colleagues, including Senators LEVIN, WELLSTONE, DURBIN, and BOXER.

But now, with the first federal execution in almost 40 years scheduled to take place in December, I urge my colleagues to take action in the remaining weeks of this session to restore justice and fairness to our federal criminal justice system. I rise today to introduce the Federal Death Penalty Moratorium Act. Like my earlier bill, this bill would suspend executions of federal death row inmates while an independent, blue ribbon commission thoroughly reviews the flaws in the federal death penalty system. The first federal execution in almost 40 years is scheduled to take place after this Congress has adjourned. But before we adjourn, we have an obligation—indeed, a solemn responsibility—to the American people to ensure that the federal criminal justice system is a fair one, particularly when it involves the ultimate punishment, death.

Mr. President, some have argued that the flaws in the administration of the death penalty at the state level do not exist at the federal level. But now, with the release of the Justice Department report earlier this week, our suspicions have been heightened. We now know that the federal death penalty system has attributes of inequity and unfairness.

The Justice Department report makes a number of troubling findings:

Roughly 80 percent of defendants who were charged with death-eligible offenses under Federal law and whose cases were submitted by U.S. Attorneys under the Department's death penalty decision-making procedures were African American, Hispanic American or members of other minority groups;

United States attorneys in 5 of the 94 federal districts—1 each in Virginia, Maryland, Puerto Rico and 2 in New York—submit 40 percent of all cases in which the death penalty is considered;

United States attorneys who have frequently recommended seeking the death penalty are often from states with a high number of executions, including Texas, Virginia and Missouri; and

White defendants are more likely than black defendants to negotiate plea bargains, saving them from the death penalty in federal cases.

What do these findings tell us? I think we can all agree that the report is deeply disturbing. There is a glaring lack of uniformity in the application of the federal death penalty. Whether you live or die appears to relate arbitrarily to the color of your skin or where you live. Why do these disparities exist? How can they be addressed? The Justice Department report doesn't have answers to these and other questions. I am pleased that the Attorney General has requested additional internal reviews. But with all respect to the Attorney General, that's simply not enough. The American people deserve more. Indeed, American ideals of justice demand much more.

With the first federal execution since the Kennedy Administration only three months away, Congress should call for an independent review. Mr. President, if the Attorney General and the President won't act, then it is our solemn responsibility, as members of Congress, to protect the American people and ensure fairness and justice for all Americans. Congress should demand an answer to the troubling questions raised by the Justice Department report. And I believe we have a duty do so. After all, it was Congress that, beginning in 1988, enacted the laws providing for the death penalty for certain federal crimes.

And I might add, the Justice Department has had more than enough time to right the wrong. As some of my colleagues may recall, concerns about racial disparities in the administration of the federal death penalty were hotly debated in 1994 during debate on the Racial Justice Act as the Congress decided whether to expand the federal death penalty. At that time, a House Judiciary Subcommittee report found that 89 percent of defendants against whom the federal government sought the death penalty under the 1988 Drug Kingpin Statute were African American or Hispanic Americans. In response to these concerns, the Attorney General centralized the process for U.S. attorneys requesting the Attorney General's authorization to seek the death penalty.

The Attorney General's centralized review process has now been in operation for nearly 6 years. But we have not seen anything approaching rough consistency, let alone uniformity in the federal death penalty system. We are continuing to see egregious disparities. One of the greatest needs for additional data and analysis involves the

question of how line prosecutors and U.S. attorneys are making decisions to take cases at the federal level and charge defendants with death-eligible offenses. But Congress and the American people should not wait for another report that fails to ask and answer this and other tough questions. Indeed, an agency that tries to review itself can't always be expected to be fully forthcoming or fully equipped to identify its own failings. That's why an independent, blue ribbon commission is the only appropriate response to the Justice Department report.

And time is of the essence. It's not too late for Congress to act. We should demand full accountability. In fact, the American people are demanding accountability and fairness. In a poll released today by The Justice Project, 64 percent of registered voters support a suspension of executions while fairness questions are addressed, based on information that in several instances, criminals sentenced to be executed have been released based on new evidence or DNA testing. And this is not just a partisan issue, or shouldn't be. The poll, conducted by Democratic and Republican polling firms, found that 73 percent of Independents and 50 percent of Republicans, including 65 percent of non-conservative Republicans, support a suspension of executions. The American people get it. Something is terribly amiss in our administration of the ultimate punishment, death. And this is just as true at the federal level.

So, as we approach the close of this 106th Congress, I urge my colleagues to support a moratorium on federal executions while we study the glaring flaws in the federal death penalty system through an independent, blue ribbon commission. It is disturbing enough that the ultimate punishment may be meted out unfairly at the state level. But it should be even more troubling for my colleagues when the federal government, which should be leading the states on matters of equality, justice and fairness, has a system that is unjust. We are at a defining moment in the history of our nation's administration of the death penalty. The time to do something is now.

Mr. FITZGERALD (for himself, Mr. EDWARDS, Mr. ASHCROFT, and Mr. DURBIN):

S. 3049. A bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

INCREASING THE AUTHORIZED AMOUNT OF MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to double the limit on loan deficiency payments (LDP) and marketing loan gains.

The hard work and ingenuity of America's farmers have made U.S. agriculture the pride of the nation. But farmers today face serious challenges. Record low commodity prices continue to besiege family throughout our great nation. For the past 3 years, American farmers have faced the lowest prices in recent memory. Prices have plummeted for almost every agricultural commodity—corn, soybeans, wheat and the list goes on. The bottom line is that many farmers throughout this Nation are having trouble making ends meet.

Appropriately, Congress has responded with economic assistance to offset these hard times. However, while last year's assistance package included a much needed provision to expand limits on marketing loan gains and loan deficiency payments, this year's assistance package did not include such a provision.

As we move into harvest time, prices have trended downward, and many now realize that loan deficiency payments per bushel may be quite large for many agricultural commodities. With the combination of high yields and high per bushel marketing gains, many farmers now realize that they could easily bump up against these payment limitations. Recognizing this impending problem, farm groups, including the American Farm Bureau Federation, have asked that these payment limitations be eased, but not removed.

According to industry experts, a 700-acre corn farmer will exceed the $75,000 cap. For farmers who exceed this cap, their only recourse is to forego the much-needed income or use the bureaucracy-ridden commodity certificates program. Estimates project that the additional drying, shrinkage and storage costs that a accompany the commodity certificate program will cost farmers an additional $33.46 per acre of grain. Farmers can ill-afford this lost income during these hard economic times.

Today, I am introducing legislation to solve this dilemma. The bill simply doubles the LDP limit from $75,000 to $150,000 for this crop year. This legislation is consistent with a provision that was included in last year's farm economic assistance package.

Surprisingly, this provision may actually provide cost-savings to the federal government through staff time reduction. Anecdotally, Illinois Farm Service Agency employees report that it takes about two hours of staff time to complete a loan forfeiture using the commodity certificate process, while the loan deficiency payment process requires only 15 minutes.

When the 1996 farm bill was written, no one could have foreseen our current situation of extremely low prices, and the $75,000 limit seemed appropriate. However, with the Asian market crash, unusually good weather, and exceptional crop yields, commodity prices have been driven to unforeseen lows, making a re-evaluation of the LDP cap appropriate and timely. This bill is good public policy and enjoys bipartisan support. I appreciate my colleagues—Senators EDWARDS, ASHCROFT, and DURBIN—who join me as sponsors of this legislation, and I encourage other Senators to co-sponsor this sorely-needed change in farm policy.

Agriculture is critical to the economy of America, and is the Nation's largest employer. For farmers to prosper, our Nation must have economic policies that promote investment and growth in agricultural communities and agricultural States like my home State of Illinois. A healthy agricultural economy has ripple effects through many industries and is critical for the economic prosperity of both Illinois and America.

By Mr. HATCH (for himself and Mr. DOMENICI):

S. 3050. A bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services; to the Committee on Finance.

THE SKILLED NURSING FACILITY CARE ACT OF 2000

Mr. HATCH. Mr. President, I am pleased to join my colleague, Senator DOMENICI, in introducing today legislation to increase Medicare reimbursements for skilled nursing facilities, SNFs, which care for Medicare beneficiaries.

As my colleagues recall, last year the Congress passed a measure to restore nearly $2.7 billion for the care of nursing home patients. This action provided much needed relief to an industry that was facing extraordinary financial difficulties as a result of the spending reductions provided under the Balanced Budget Act of 1997 (BBA) as well as its implementation by the Health Care Financing Administration (HCFA).

Unfortunately, the problem is not fixed, and more needs to be done. That is why Senator DOMENICI and I are introducing the ''Skilled Nursing Facility Care Act of 2000'' to ensure that patient care will not be compromised and so that seniors can rest assured that they will have access to this important Medicare benefit.

As I have talked to my constituents in Utah about nursing home care, it is clear to me as I am sure it is to everyone that no one ever expects—or certainly wants—to be in a nursing home. Yet, it is an important Medicare benefit for many seniors who have been hospitalized and are, in fact, the sickest residents in a nursing home.

In Utah, there are currently 93 nursing homes serving nearly 5,800 residents. I understand that seven of these 93 facilities, which are operated by Vencor, have filed for Chapter 11 protection. These seven facilities care for approximately 800 residents. Clearly, we need to be concerned about the prospect of these nursing homes going out of business, and the consequences that such action would have on all residents—no matter who pays the bill.

The ''Skilled Nursing Facility Care Act of 2000'' has been developed to address this problem. Medicare beneficiaries who need care in nursing

homes are those who have been hospitalized and then need comparable medical attention in the nursing home setting. In other words, they have had a stroke, cancer, complex surgery, serious infection or other serious health problem. These seniors are often the sickest and most frail.

Medicare's skilled nursing benefit provides life enhancing care following a hospitalization to nearly two million of these seniors annually. Unless Congress and the Health Care Financing Administration take the necessary steps to ensure proper payments, elderly patients will be at risk, especially in rural, underserved and economically disadvantaged areas.

Moreover, in an economy of near full employment, nursing homes face the added difficulty of recruiting and retaining high quality nursing staff. The ability to retain high quality skilled nursing staff ensures access to lifesaving medical services for our nation's most vulnerable seniors.

Flaws in the new Medicare payment system have clearly underestimated the actual cost of caring for medically complex patients. Subsequent adjustments have led to critical under- funding. Patient care is being adversely affected. Unfortunately, HCFA maintains that it needs statutory authority to fix the problem. The provisions in the Hatch/Domenici bill are designed to address this issue.

Our legislation provides that authority. In addition, the bill requires HCFA to examine actual data and actual Medicare skilled nursing facility cost increases. Studies have indicated that the initial HCFA adjustment has been understated by approximately 13.5 percent. Pursuant to the Hatch/Domenici bill, HCFA would be required to make the necessary adjustments in the SNF market basket index to better account for annual cost increases in providing skilled nursing care to medically complex patients.

Since HCFA's review and adjustments as provided under our bill will not be immediate, our legislation would also increase the inflation adjustment by four percent for fiscal year 2001 and fiscal year 2002, respectively. This immediate funding increase is necessary to ensure continuity of quality patient care in the interim. It will provide some assurance that quality skilled nursing facility services for our nation's seniors will continue, while HCFA examines actual cost data and develops a more accurate market basket index.

Skilled nursing facilities are being underpaid and most of the payment is for nurses' aides and therapists. According to a study conducted by Buck Consultants that surveyed managerial, supervisory, and staff positions in nursing homes, actual wages for these valued employees increased, on average, 21.9 percent between 1995 and 1998.

Buck Consultants examined data gathered from a voluntary nursing home survey by looking at salary increases for 37 types of clinical, administrative, and support positions. The difference between HCFA's 8.2 percent inflation adjustment and these salary increases over the same period of time equal 13.7 percent. Again, it is clear that skilled nursing facilities are not receiving adequate payment from the Medicare program. With such funding shortfalls, skilled employees cannot be hired and patient care will be impacted.

Mr. President, it is my hope that the ''Skilled Nursing Facility Care Act of 2000'' will provide immediate relief to skilled nursing facilities and the seniors they serve, while attempting to address a fundamental payment shortcoming for the long-term. We cannot forget our commitment to our nation's elderly.

Senator DOMENICI and I are working with the Chairman of the Finance Committee, Senator ROTH, who is also concerned about the impact that the BBA Medicare reimbursement levels are having on skilled nursing facilities and who is currently developing a package of Medicare restorations for health care providers. Over the next several weeks, we will work with him and with members of the Finance Committee in an effort to restore funding for SNFs and for other health care providers who are facing similar reimbursement reductions.

Once again, I want to thank the distinguished Chairman of the Budget Committee, Senator DOMENICI, and his staff for working with me in developing this important bill and preserving Medicare's commitment to our nation's elderly.

Mr. DOMENICI. Mr. President, I rise today to join Senator HATCH in introducing the ''Skilled Nursing Facility Care Act of 2000.''

We can all take a certain amount of pride in the bipartisan Balanced Budget Act of 1997. However, it should come as no surprise that legislation as complex as the Balanced Budget Act (BBA), as well as its implementation by the Health Care Financing Administration, has produced some unintended consequences that must be corrected.

Heeding this advice, Congress made a down payment last year on the continued health of the skilled nursing facility benefit by passing the Balanced Budget Refinement Act of 1999. While I believe this was a very good first step, I am convinced the bill we are introducing today is urgently needed to assure our senior citizens continue to have access to quality nursing home care through the Medicare program.

The transition to the Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs) contained in the BBA is seriously threatening access to needed care for seniors all across the country. For instance, almost 11 percent of nursing facilities in the United States are in bankruptcy. In my home State of New Mexico the number is nothing short of alarming, nearly 50 percent of the nursing facilities are in bankruptcy.

I simply do not know how we can stand by in the face of this crisis and watch our seniors continue to lose access to nursing home care. My belief is only buttressed in light of the fact that as the baby boomers grow older we will be needing more nursing homes, not less.

We must have a strong system of nursing home care not only now but, in the future. With time having already run out on many nursing home operators and quickly running out on others, I believe Congress must act immediately.

In New Mexico, there are currently 81 nursing homes serving almost 7,000 patients, and as the bankruptcies have proven, the current Medicare payment system, as implemented by HCFA, simply does not provide enough funds to cover the costs being incurred by these facilities to care for our senior citizens.

For rural States like New Mexico, corrective action is critically important. Many communities in my State are served by a single facility that is the only provider for many miles. If such a facility were to close, patients in that home would be forced to move to facilities much farther away from their families. Moreover, nursing homes in smaller, rural communities often operate on a razor thin bottom line and for them, the reductions in Medicare reimbursements have been especially devastating.

The legislation we are introducing today would go a long way to build upon the steps we took last year with the Balanced Budget Refinement Act in restoring stability in the nursing home industry. The Hatch-Domenici Care Act of 2000 would increase reimbursement rates through two provisions.

First, for a 2-year period, the bill eliminates the one percentage point reduction in the annual inflation update for all skilled nursing facility reimbursement rates and raises that same update by four percent. I believe this provision is a matter of simple fairness because we are merely attempting to accurately keep reimbursements in line with the actual cost of providing care.

Second, the bill directs the Secretary of Health and Human Services to reexamine the annual inflation update, the so-called market basket index, using actual data to determine the necessary level of update. As a result of the reexamination, the Secretary may adjust the inflation update accordingly.

I look forward to again working with Senator HATCH to pass this critical legislation.

By Mr. SCHUMER (for himself, Mr. MCCAIN, and Mr. JOHNSON):

S. 3051. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT

Mr. McCAIN. 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. 3051

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 ''Greater Access to Affordable Pharmaceuticals Act'' or the ''GAAP Act of 2000''.

SEC. 2. NEW DRUG APPLICATIONS.

(a) LIMITATIONS ON THE USE OF PATENTS TO PREVENT APPROVAL OF ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''the drug for which such investigations were conducted or which claims a use for such drug for which the applicant is seeking approval under this subsection'' and inserting ''an active ingredient of the drug for which such investigations were conducted, alone or in combination with another active ingredient or which claims the first approved use for such drug for which the applicant is seeking approval under this subsection''; and

(B) in clause (iv), by striking ''; and'' and inserting a period;

(2) in the matter preceding subparagraph (A), by striking ''shall also include—'' and all that follows through ''a certification'' and inserting ''shall also include a certification'';

(3) by striking subparagraph (B); and

(4) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and aligning the margins of the subparagraphs with the margins of subparagraph (A) of section 505(c)(1) of that Act (21 U.S.C. 355(c)(1)).

(b) ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(j)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(A)) is amended—

(1) in clause (vi), by striking the semicolon and inserting ''; and''; and

(2) in clause (vii)—

(A) in the matter preceding subclause (I), by striking ''the listed drug referred to in clause (i) or which claims a use for such listed drug for which the applicant is seeking approval under this subsection'' and inserting ''an active ingredient of the listed drug referred to in clause (i), alone or in combination with another active ingredient or which claims the first approved use for such drug for which the applicant is seeking approval under this subsection'';

(B) in subclause (IV), by striking ''; and'' and inserting a period; and

(C) by striking clause (viii).

(c) EFFECTIVE DATE.—The amendments made by this section shall only be effective with respect to a listed drug for which no certification pursuant to section 505(j)(2)(A)(vii)(IV) of the Federal Food, Drug, Cosmetic Act was made prior to the date of enactment of this Act.

SEC. 3. CITIZEN PETITION REVIEW.

Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

''(C) Notwithstanding any other provision of law, the submission of a citizen's petition filed pursuant to section 10.30 of title 21, Code of Federal Regulations, with respect to an application submitted under paragraph (2)(A), shall not cause the Secretary to delay review and approval of such application, unless such petition demonstrates through substantial scientific proof that approval of such application would pose a threat to public health and safety.''.

SEC. 4. BIOEQUIVALENCE TESTING METHODS.

Section 505(j)(8)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(8)(B)) is amended—

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(iii) the effects of the drug and the listed drug do not show a significant difference based on tests (other than tests that assess rate and extent of absorption), including comparative pharmacodynamic studies, limited confirmation studies, or in vitro methods, that demonstrate that no significant differences in therapeutic effects of active or inactive ingredients are expected.''.

SEC. 5. ACCELERATED GENERIC DRUG COMPETITION.

(a) IN GENERAL.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)(iv), by striking subclause (II) and inserting the following:

''(II) the date of a final decision of a court in an action described in clause (ii) from which no appeal can or has been taken, or the date of a settlement order or consent decree signed by a Federal judge, that enters a final judgement, and includes a finding that the relevant patents that are the subject of the certification involved are invalid or not infringed, whichever is earlier,'';

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B), the following:

''(C) The one-hundred and eighty day period described in subparagraph (B)(iv) shall become available to the next applicant submitting an application containing a certification described in paragraph (2)(A)(vii)(IV) if the previous applicant fails to commence commercial marketing of its drug product once its application is made effective, withdraws its application, or amends the certification from a certification under subclause (IV) to a certification under subclause (III) of such paragraph, either voluntarily or as a result of a settlement or defeat in patent litigation.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall only be effective with respect to an application filed under section 505(j) of the Federal Food, Drug, Cosmetic Act for a listed drug for which no certification pursuant to 505(j)(2)(A)(vii)(IV) of such Act was made prior to the date of enactment of this Act.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that measures should be taken to effectuate the purpose of the Drug Price Competition and Patent Term Restoration Act of 1984 (referred to in this section as the ''Hatch-Waxman Act'') to make generic drugs more available and accessible, and thereby reduce health care costs, including measures that require manufacturers of a drug for which an application is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 255(c)) desiring to extend a patent of such drug to utilize the patent extension procedure provided under the Hatch-Waxman Act.

SEC. 7. CONFORMING AMENDMENTS.

(a) APPLICATIONS.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(3), in subparagraphs (A) and (C), by striking ''paragraph (2)(A)(iv)'' and inserting ''paragraph (2)'';

(2) in subsection (c)(3)—

(A) in subparagraph (A), by striking ''clause (i) or (ii) of subsection (b)(2)(A)'' and inserting ''subparagraph (A) or (B) of subsection (b)(2)'';

(B) in subparagraph (B), by striking ''clause (iii) of subsection (b)(2)(A)'' and all that follows through the period and inserting ''subparagraph (C) of subsection (b)(2), the approval may be made effective on the date certified under subparagraph (C).'';

(C) in subparagraph (C), by striking ''clause (iv) of subsection (b)(2)(A)'' and inserting ''subparagraph (D) of subsection (b)(2)''; and

(D) in subparagraph (D)(ii), by striking ''clause (iv) of subsection (b)(2)(A)'' and inserting ''subparagraph (D) of subsection (b)(2)''; and

(3) in subsection (j), in paragraph (2)(A), in the matter following clause (vii)(IV), by striking ''clauses (i) through (viii)'' and inserting ''clauses (i) through (vii)''.

(b) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a)(2)—

(A) in clause (i) of subparagraph (A), by striking ''(b)(2)(A)(ii)'' and inserting ''(b)(2)'';

(B) in clause (ii) of subparagraph (A), by striking ''(b)(2)(A)(iii)'' and inserting ''(b)(2)''; and

(C) in subparagraph (B), by striking ''subsection (b)(2)(A)(iv)'' and inserting ''subsection (b)(2)''; and

(2) in subsection (c)(2)—

(A) in clause (i) of subparagraph (A), by striking ''(b)(2)(A)(ii)'' and inserting ''(b)(2)'';

(B) in clause (ii) of subparagraph (A), by striking ''(b)(2)(A)(iii)'' and inserting ''(b)(2)''; and

(C) in subparagraph (B), by striking ''subsection (b)(2)(A)(iv)'' and inserting ''subsection (b)(2)''.

(c) DEFINITION.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) For purposes of the references to court decisions in clauses (i) and (iii) of section 505(c)(3)(C) and clauses (iii)(I), (iii)(III) of section 505(j)(5)(B), the term 'the court' means the court that enters final judgment from which no appeal (not including a writ of certiorari) can or has been taken.''.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3052. A bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

STEENS MOUNTAIN WILDERNESS ACT OF 2000

Mr. WYDEN. Mr. President, today I join my friend from Oregon, Senator SMITH, in the introduction of the Steens Mountain Wilderness Act of 2000. Located in southeastern Oregon, Steens Mountain is, in the words of Oregon environmentalist, Andy Kerr, ''an ecological island in the sky.'' Rising a mile above the desert floor, Steens Mountain actually creates its own weather patterns. Though we from Oregon are blessed to have it located

within our state boundary, it is truly a National natural treasure.

Some have wondered why any legislative action at all is needed to protect the Steens. They say the Steens has been there a long time and is doing just fine. Why not just leave it alone?

There are three reasons why inaction at this time is an unacceptable choice.

First, there are many landowners today in the Steens with a commitment to protect this ecological treasure. There is no assurance that this will always be the case.

Second, our federal land agencies are now committed to protecting the natural ecology of the Steens. There is no assurance that this will always be the case.

Third, the Steens includes many wilderness study areas. We now have the opportunity to begin resolving the status of these lands that have been in limbo for twenty years. There is no assurance that Oregon's future elected officials, working with all concerned parties, will ever again have such a unique opportunity to address this contentious issue.

The fact of the matter is that protecting the ecological health of the Steens isn't going to happen by osmosis. It has taken the hard work of the Oregon Congressional delegation, Governor Kitzhaber, Secretary Babbitt and numerous staff and private citizens of Oregon to get this legislation where it is today. It will take a bit more hard work to get a Senate-passed bill.

It is my task, as a United States Senator, to move this legislation forward through the committee hearing and Senate floor processes. In that context, this bill will most likely have to be fine-tuned to accommodate additional concerns. I look forward to working with all my colleagues to see that this bill is passed before the lights go down on the 106th Congress. But one major aspect of this bill can never change: the protections for the ecological treasure that is the Steens will be put in place while we also preserve the important historical ranching culture that thrives there.

There have been issues raised about the valuation of the land exchanges that make the adoption of over 170,000 acres of wilderness possible in this bill. Let me make it perfectly clear that this bill should stand or fall on whether there is significant public value at the end of the day. I believe the Senate will find that the expenditures authorized by this legislation purchase the sum of a greater public value than can be accounted for by its individual parts. I will continue to work to assure that this legislation achieves the greatest environmental good possible.

By Mr. THOMAS:

S. 3053. A bill to prohibit commercial air tour operations over national parks within the geographical area of the greater Yellowstone ecosystem; to the Committee on Energy and Natural Resources.

THE YELLOWSTONE AND TETON SCENIC OVERFLIGHT EXCLUSION ACT OF 2000

Mr. THOMAS. Mr. President, I rise today to introduce legislation to protect two crown jewels of the National Park Service, Yellowstone and Grand Teton National Parks.

Specifically, the ''Yellowstone and Teton Scenic Overflight Exclusion Act of 2000'' would prohibit all scenic flights—both fixed wing and helicopter—over these two parks. A recent proposal for scenic helicopter tours near Grand Teton Park has many in this area of Wyoming concerned about the tranquility of Yellowstone and Teton parks. In fact, the proposal has evoked strong opposition by citizens in the area and over 4,500 people have signed a petition in support of banning these tours.

We need to protect the resources and values of these parks in the interest of all who visit and enjoy these national treasures—today and for future generations. Every visitor should have the opportunity to enjoy the tranquil sounds of nature unimpaired in these parks.

I don't take the idea of legislation lightly. I am aware that the recently passed National Parks Air Tour management Act provides a process that attempts to address scenic overflight operations. But this area of the country is unique and therefore requires quick and decisive action. For example, the proposed commercial air tour operations originate from the Jackson Hole Airport, the only airport in the continental United States that is entirely within a national park. Consequently, every time a commercial air tour operation takes off or lands, it is flying through Grand Teton National Park. Further, commercial air tour operations by their nature fly passengers purposefully over the parks, at low altitudes, at frequent intervals and often to the very locations and attractions favored by ground-based visitors. These threats to the enjoyment of these two parks require banning commercial air tour operations in the area.

It is my hope that this legislation can be enacted quickly to ensure the preservation of natural quiet and provide the assurance that visitors can enjoy the sounds of nature at Grand Teton and Yellowstone national parks.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. CRAIG, Mr. LEAHY, Mr. MCCONNELL, Mr. KERREY, and Mr. GRASSLEY):

S. 3054. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry.

SUMMER MEALS FOR POOR CHILDREN

Mr. LUGAR. Mr. President, I rise today to introduce legislation to improve the summer food service program, which provides summer meals to poor children.

On an average school day in 1999, nearly 27 million children received lunches supported by the national school lunch program. Of that total, over 15 million of these children were poor. Over 7 million children participated in the school breakfast program and more than 6 million of these children were poor. These statistics clearly show that the American people are generous and compassionate regarding the nutritional status of our children, especially poor children who may not have access to enough food at home.

However, most of these poor children lose access to school lunches and breakfasts once the school year is over. The Federal Government does have programs to provide summer meals, but only about 22 percent of the poor children who get a school lunch also get a summer meal. Common sense tells us that children's hunger does not go on vacation at the end of the school year.

Basically, children can receive federally subsidized summer meals in 2 ways: through the summer food service program; or, if they are in summer school or year-round school, through the regular national school lunch and school breakfast programs.

Summer school and year-round school students can get the regular school lunch and breakfast programs. Just as in the regular school year, students can receive free, reduced price or full price meals, depending upon their families' income. In July 1999, 1.1 million children received free or reduced price meals this way.

The summer food service program was created to provide summer meals for children who are not in summer school or year-round school. The establishment of a summer food service program site depends upon a local entity agreeing to operate a site. At the local level, the summer food service program (SFSP) is run by approved sponsors, including school districts, local government agencies, camps, private nonprofit organizations or post-secondary schools sponsoring NCAA National Youth Sports Programs. Sponsors provide free meals to a group of children at a central site, such as a school or a community center or at satellite sites, such as playgrounds. Sponsors receive payments from USDA, through their State agencies, for the documented food costs of the meals they serve and for their documented operating costs.

The program is targeted toward serving poor children. States approve SFSP meal sites as open, enrolled, or camp sites. Open sites operate in low-income area where at least half of the children come from families with incomes at or below 185 percent of the Federal poverty level, making them eligible for free and reduced-price meals. Meals and snacks are served free to any child at the open site.

Enrolled sites provide free meals to all children enrolled in an activity program at the site if at least half of them are eligible for free and reduced-price

meals. Camps may also participate in SFSP. They receive payments only for the meals served to children who are eligible for free and reduced-price school meals.

At most sites, children receive either one or two reimbursable meals or a meal and a snack each day. Camps and sites that primarily serve migrant children may be approved to serve up to three meals to each child, each day.

Participation in the SFSP and the summer portion of the school lunch program varies widely by State. Comparing the number of low-income children in summer programs to the number who get free and reduced price meals during the regular school year gives a reasonable measure of how well the summer meal needs of low-income children are being met. According to the most recent data supplied by USDA, only about 22 percent of those children who received a regular school lunch also received a summer meal. Again according to USDA, participation ranges from over 53 percent in the District of Columbia to under 3 percent in Alaska. My home state of Indiana serves under 10 percent of these children.

In August, I visited the successful summer feeding program implemented this year by the New Albany-Floyd County Consolidated School Corporation in Indiana. I discussed with community leaders ideas to encourage more participation in the program throughout my home state.

Mr. President, hunger does not take a summer vacation. We need to examine new means of encouraging local entities to agree to offer the summer food service program in poor areas. In talking with program experts, a recurring problem they mentioned regarding the decision to enter the program was the amount of paperwork necessary to gain USDA approval.

That is why we propose today legislation to provide a targeted method of increasing participation in those states with very low participation. This method will be tested for a few years to see if it is effective and, thus, should be extended to all states.

Under current SFSP law, sponsors get a food cost reimbursement and an administrative reimbursement of the amounts that they document, up to a maximum amount. Based on the most recent data available, SFSP sponsors document costs sufficient to receive the maximum reimbursement over 90 percent of the time. Some institutions (e.g., schools, parks departments) may not offer the SFSP because they do not want to put up with the administrative burden of documenting all their costs in a manner acceptable to USDA. Under the regular school lunch program, schools do not have to document their costs, but instead automatically receive their meal reimbursements. The extra paperwork burden of documenting all their costs may discourage sponsors from offering summer meals. Public sponsors, such as schools and parks departments, have to meet public accounting standards that make it unlikely that money meant for child nutrition could be siphoned off and used for unlawful purposes.

My bill would establish a pilot project to reduce the paperwork required of schools and other public institutions (like parks departments) to run a summer food service program, and thus, hopefully, encourage more sponsors to join the program and offer summer meals. The bill would allow, in low participation states, public sponsors to automatically receive the maximum reimbursement for both food costs and administrative costs. In this way, the SFSP would be identical to the school lunch program.

Low participation states would be defined as those states where the number of children receiving summer meals (compared to the number receiving free or reduced price lunches during the school year) was less than half the national average participation in the summer meals programs (compared to the number receiving free or reduced price lunches during the school year). This pilot program would run for 3 years, FY 01 to FY 03.

USDA would be required to study whether reducing the paperwork burden increased participation in the program. USDA would also be required to study whether meal quality or program integrity was affected by removing the requirement for sponsors to document their spending. Results of the study will be available for the 2003 child nutrition reauthorization.

I urge my colleagues to support this legislation.

By Mr. JOHNSON (for himself and Mr. HUTCHINSON):

S. 3055. A bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the medicare program; to the Committee on Finance.

PHYSICIAN PATHOLOGY SERVICES FAIR PAYMENT ACT OF 2000

Mr. JOHNSON. Mr. President, I rise on behalf of myself and my colleague, Senator HUTCHINSON, to introduce the ''Physician Pathology Services Fair Payment Act of 2000.'' This important legislation allows independent laboratories to continue to receive direct payments from Medicare for the technical component of pathology services provided to hospital inpatients and outpatients. This bill encompasses both the inpatient and outpatient technical components in a comprehensive manner than will allow Congress to address both of these pressing issues in a single legislative vehicle.

As you know, many hospitals, particularly small and rural hospitals, make arrangements with independent laboratories to provide physician pathology services for their patients. They do so because these hospitals typically lack the patient volume or funds to sustain an in-house pathology department. Yet, if the hospitals are to continue to provide surgery services in the local community, Medicare requires them to provide, directly or under arrangements, certain physician pathology services. Without these arrangements, patients may have to travel far from home to have surgery performed.

Recently, HCFA delayed implementation of new inpatient and outpatient technical component (TC) reimbursement rules until January 1, 2001. However, many providers esepectially those in rural or medically underserved areas, remain concerned that the new rules will impose burdensome costs and administrative requirements on hospitals and independent laboratories that have operated in good faith under the prior policy. For hospitals and independent laboratories that have operated in good faith under the prior policy. For hospitals and independent laboratories with existing arrangements, changing the way Medicarepays for the TC physician pathology services provided to hospitals is likely to strain already scarce resources by creating new costs that cannot be easily absorbed. For the first time, independent laboratories will have to generate two bills—one for the technical components to the hospital and onother to Medicare for the professional components. Since each laboratory may serve five, ten or more hospitals, these separate billings will be costly and complicated.

The ''Physician Pathology Services Fair Payment Act of 2000'' is essential to the many communities in my home state of South Dakota, and across the country, who rely on the continued presence of pathology services to retain a high-quality health care delivery system that is both responsive and accessible to each and every individual requiring these services. Pathologists provide an extremely powerful and valuable resource to these communities and the ''Physician Pathology Services Fair Payment Act of 2000'' will ensure that these health care professionals continue to positively impact the lives of not only South Dakotans but the lieves of millions of Americans who utilize these services without perhaps even knowing the critical role that they play in our health care delivery system.

Mr. President, I ank unanimous consent that the complete 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. 3055

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 ''Physician Pathology Services Fair Payment Act of 2000''.

SEC. 2. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Notwithstanding any other provision of law, when an independent laboratory, under a grandfathered arrangement with a hospital, furnishes the technical

component of a physician pathology service with respect to—

(1) an inpatient fee-for-service medicare beneficiary, such component shall be treated as a service for which payment shall be made to the laboratory under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) of such Act (42 U.S.C. 1395ww(d)); and

(2) an outpatient fee-for-service medicare beneficiary, such component shall be treated as a service for which payment shall be made to the laboratory under section 1848 of such Act (42 U.S.C. 1395w–4) and not as a hospital outpatient service for which payment is made to the hospital under the prospective payment system under section 1834(t) of such Act (42 U.S.C. 1395l(d)).

(b) DEFINITIONS.—For purposes of this section:

(1) GRANDFATHERED ARRANGEMENT.—The term ''grandfathered arrangement'' means an arrangement between an independent laboratory and a hospital—

(A) that was in effect as of July 22, 1999, even if such arrangement is subsequently renewed; and

(B) under which the laboratory furnishes the technical component of physician pathology services with respect to patients of the hospital and submits a claim for payment for such component to a medicare carrier (and not to the hospital).

(2) INPATIENT FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term ''inpatient fee-for-service medicare beneficiary'' means an individual who—

(A) is an inpatient of the hospital involved;

(B) is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(C) is not enrolled in—

(i) a Medicare+Choice plan under part C of such Act (42 U.S.C. 1395w–21 et seq.);

(ii) a plan offered by an eligible organization under section 1876 of such Act (42 U.S.C. 1395mm); or

(iii) a medicare managed care demonstration project.

(3) OUTPATIENT FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term ''outpatient fee-for-service medicare beneficiary'' means an individual who—

(A) is an outpatient of the hospital involved;

(B) is enrolled under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

(C) is not enrolled in—

(i) a plan or project described in paragraph (2)(C); or

(ii) a health care prepayment plan under section 1833(a)(1)(A) of such Act (42 U.S.C. 1395l(a)(1)(A)).

(4) MEDICARE CARRIER.—The term ''medicare carrier'' means an organization with a contract under section 1842 of the Social Security Act (42 U.S.C. 1395u).

(c) EFFECTIVE DATE.—This section shall apply to services furnished on or after July 22, 1999.

ADDITIONAL COSPONSORS

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 922, a bill to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1369

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Montana (Mr. BURNS), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT–43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Utah (Mr. HATCH) 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.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999

shall remain available through fiscal year 2002.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2640

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2640, a bill to amend title 38, United States Code, to permit Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes.

S. 2688

At the request of Mr. INOUYE, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2688, a bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

S. 2733

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. TORRICELLI) 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.

S. 2747

At the request of Mr. L. CHAFEE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2747, a bill to expand the Federal tax refund intercept program to cover children who are not minors.

S. 2781

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2841

At the request of Mr. ROBB, the name of the Senator from South Dakota (Mr. JOHNSON) 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.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2976

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of 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.

S. 2987

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of 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.

S. 2997

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2997, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families.

S. 3003

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3003, a bill to preserve access to outpatient cancer therapy services under the medicare program by requiring the Health Care Financing Administration to follow appropriate procedures and utilize a formal nationwide analysis by the Comptroller General of the United States in making any changes to the rates of reimbursement for such services.

S. 3007

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada (Mr. REID), the Senator from Illinois (Mr. DURBIN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. CON. RES. 130

At the request of Mr. ABRAHAM, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. Con. Res. 130, 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.

S. RES. 330

At the request of Mr. INHOFE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), the Senator from Washington (Mrs. MURRAY), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. Res. 330, a resolution designating the week beginning September 24, 2000, as ''National Amputee Awareness Week.''

S. RES. 342

At the request of Mr. THURMOND, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Ohio (Mr. DEWINE), the Senator from Tennessee (Mr. FRIST), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oklahoma (Mr. NICKLES), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kentucky (Mr. BUNNING), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Idaho (Mr. CRAPO), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. CAMPBELL), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. Res. 342, a resolution designating the week beginning September 17, 2000, as ''National Historically Black Colleges and Universities Week.''

S. RES. 353

At the request of Mr. HATCH, his name was added as a cosponsor of S. Res. 353, a resolution designating October 20, 2000, as ''National Mammography Day.''

NOTICES OF HEARINGS

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 hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 20, 2000 at 10:00

a.m. (immediately following the scheduled markup) in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the current outlook for supply of heating and transportation fuels this winter.

For further information, please call Dan Kish at (202) 224–8276 or Jo Meuse (202) 224–4756.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Saturday, September 23, 2000 at 10:00 a.m. at City Hall, 200 Main St., Salmon, Idaho.

The purpose of this hearing is to conduct oversight on the Summer 2000 wildfires.

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.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Friday, September 22, 2000 at 2:00 p.m. at Montana State University, Billings, in the Petro Theater, 1500 N. 30th St., Billings, Montana.

The purpose of this hearing is to conduct oversight on the Summer 2000 wildfires.

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.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 14, 2000, at 9:30 a.m. on air traffic control.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. 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, September 14 at 9:30 a.m. to conduct an oversight hearing. The committee will receive testimony on the transportation of Alaska North Slope natural gas to market and to investigate the cost, environmental aspects and energy security implications to Alaska and the rest of the nation for alternative routes and projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 14, at 9:30 a.m. to conduct an informational hearing on the nomination of Major General Robert B. Flowers, nominated by the President to be Chief of Engineers, the Department of the Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to mark up the following bills in a business meeting to be held directly following the hearing on S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, on September 14, 2000, at 3:30 p.m. in room 485 Senate Russell Office Building: S. 1840, the California Indian Land Transfer Act, and S. 2665, a bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources. These two bills for mark-up are in addition to the others previously announced which were: S. 2920, a bill to amend the Indian Gaming Regulatory Act, S. 2688, a bill to amend the Native American Languages Act, and S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, September 14, 2000, beginning at 1:00 p.m. in room 628 of the Dirksen Senate Office Building to hold a hearing entitled ''Slotting Fees: Are Family Farmers Fighting to Stay on the Farm and in the Grocery Store?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Thursday, September 14, 2000, at 1:00 p.m. to conduct a hearing to receive testimony on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 14, 2000, at 9:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Thursday, September 14, 2000, at 11:00 a.m. for a hearing on ''The State of Foreign Language Capabilities in the Federal Government—Part I''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. BROWNBACK. 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, September 14, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2749, a bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States; S. 2885, a bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; S. 2950, a bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado; S. 2959, a bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; and 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that my communications director, Kimberly James, be accorded floor privileges for the remainder of my remarks.

Mr. REID. Mr. President, I ask unanimous consent that Russ Holland, a fellow in my office, be granted floor privileges during the consideration of H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

On September 13, 2000, the Senate amended and passed S. 1608, as follows:

S. 1608

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 ''Secure Rural Schools and Community Self-Determination Act of 2000''.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.
Sec. 4. Conforming amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Allocation of proceeds.
Sec. 209. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.
Sec. 302. Use of county funds.
Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues.
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predicable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious and exotic weeds; and

(G) reestablishment of native species; and

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in section 1181c of title 43, United States Code, for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term ''eligibility period'' means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term ''eligible county'' means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) ELIGIBLE STATE.—The term ''eligible State'' means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term ''full payment amount'' means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENTS.—The term ''25-percent payments'' means the payments to States required by the sixth paragraph under the heading of ''FOREST SERVICE'' in the Act of May 23, 1908 as amended (16 U.S.C. 500).

(7) 50-PERCENT PAYMENTS.—The term ''50-percent payments'' means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the

Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term ''safety net payments'' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by adding after ''(16 U.S.C. 500)'' the following: ''or the Secure Rural Schools and Community Self-Determination Act of 2000''.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) BUREAU OF LAND MANAGEMENT (BLM) COUNTIES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) PAYMENT AMOUNTS.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908, as amended (16 U.S.C. 500), or

(2) the full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—(1) The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) A county election to receive the 25-percent payment shall be effective for two fiscal years.

(3) When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(4) The payment to an eligible State under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in section 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (b) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908, as amended.

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (b) and distributed to eligible counties shall be expended as required by section 500 of title 16, United States Code.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—If an eligible county elects to receive its share of the full payment amount—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall—

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—

(A) IN GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (b) in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding any adjustment made pursuant to section 101 (b) in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (b), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) PAYMENT.—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937, as amended (43 U.S.C. 1181f) or the Act of May 24, 1939 (43 U.S.C. 1181f–1) as appropriate, or

(2) the full payment amount in place of the 50-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—(1) The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be paid to an eligible county pursuant to subsection (b)—

(A) not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall—

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (b). If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds received under subsection (b) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of those funds in accordance with this title.

(2) PROJECT FUNDS.—The term ''project funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6

of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIALS SALES CONTRACTING PILOT PROJECTS.

(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program regarding the sale of merchantable material under this title. Such a program shall ensure that, on an annual basis, no less than 75 percent of all projects involving merchantable material shall be implemented using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) DURATION AND EXTENT.—(i) The Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2001, no less than 75 percent of projects involving merchantable material shall be included in the pilot program.

(ii) Not later than September 30, 2003, the General Accounting Office (GAO) shall submit a report to the Senate Energy and Natural Resources Committee, the House of Representatives Agriculture Committee and the House of Representatives Resources Committee assessing the pilot program.

(iii) If the GAO determines that the pilot program is ineffective at that time, then the Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2004, no less than 50 percent of projects involving merchantable material shall be implemented using separate contracts.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated to the following purposes—

(1) road maintenance, decommissioning or obliteration; and

(2) restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure

that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of this title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title and under title III by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203 and to the participating county under title III;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title and title III; and

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title and title III.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold State elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has geographic jurisdiction.

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title and the participating county under title III. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), or to the participating county under section 302, if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 209, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 209, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B) or 103(c)(1)(B), whichever applies to the funds involved.

SEC. 208. ALLOCATION OF PROCEEDS.

The proceeds from any joint project under section 203(a)(3) using both Federal and non-Federal funds shall be equitably divided between the Treasury of the United States and

the non-Federal funding source in direct proportion to the contribution of funds to the overall cost of the project.

SEC. 209. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of those funds in accordance with this title.

(2) COUNTY FUNDS.—The term ''county funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) LIMITATION OF COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title and section 205 of this Act; except that: The projects shall be approved by the participating county rather than the Secretary concerned.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) FOREST RELATED EDUCATIONAL OPPORTUNITIES.—A county may use these funds to establish and conduct forest-related after school programs.

(5) FIRE PREVENTION AND COUNTY PLANNING.—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) COMMUNITY FORESTRY.—A county may use these funds towards non-Federal cost-share provisions of section 9 of the Cooperative Forestry Assistance Act (Public Law 95–313).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) All revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B) or section 103(c)(1)(B), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) are repealed.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

SEC. 501. SHORT TITLE.

This title may be cited as the ''Mineral Revenue Payments Clarification Act of 2000''.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Subtitle C of title X of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66) changed the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues ''50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws . . .''.

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that ''the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions''.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. sec. 191(b)) is amended to read as follows: ''(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.''.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUG BENEFIT

Mr. DORGAN. Mr. President, my colleague from Nevada, Senator REID, and I were discussing some dialog that had taken place on the floor of the Senate earlier today, and we wanted to visit a bit about the issue of a prescription drug benefit for the Medicare program.

We are in session in this 106th Congress perhaps only another 4 or 5 weeks at the outset, and much is left to be done prior to the adjournment of this Congress.

One of the issues that most people think is very important to the American people is for this Congress to add a prescription drug benefit to the Medicare program. Almost everyone in this country now understands that the price of prescription drugs is moving up very quickly. Last year, the price of prescription drugs increased very rapidly. In fact, the cost of prescription drugs last year alone, because of increased utilization, price inflation and other things, increased 16 percent.

The senior citizens in this country are 12 percent of our country's population but consume one-third of all the prescription drugs in America. Senior citizens are at a point in their lives where they have reached declining and diminished income years and they are least able, in many cases, to be able to afford to pay increasing prescription drug prices.

There are a range of issues with prescription drugs. I talked about some of these in this Chamber before. There are wild price variations. The same drug in the same bottle made by the same company is being sold in Canada for a tenth of the price that it is sold to a consumer in the United States.

The other day I held up two pill bottles of medicine on the floor of the Senate—exact same medicine, made by the same company, put in the same bottle, shipped to two different pharmacies, one in the U.S. and one in Canada. One was priced three times higher than the other. Guess which. The U.S. consumer was asked to pay three times more than the Canadian consumer for the same prescription drug. That is one issue.

There is a second issue changing or altering the Medicare program to add a prescription drug benefit to the Medicare program. There is no question that if the Medicare program were being written today instead of the

early 1960s it would include a benefit for prescription drugs. Many of the lifesaving prescription drugs that are now available were not available then.

We clearly should add a prescription drug benefit to the Medicare program. We have proposed, the President has proposed, and the Vice President has proposed a plan that would provide an optional and an affordable prescription drug benefit available to senior citizens to try to help them cover the cost of their needed prescription drugs.

Earlier today we had Members of the Senate talk about this being a big Government scheme. It is no more a scheme than the Medicare program. The Medicare program is not a scheme at all. It is something this Congress did over the objections of those who always object to anything that is new. We have a few in this Chamber. It has been done for two centuries. No matter what it is, they say: We object.

The Medicare program was developed in the early 1960s at a time when one-half of the senior citizens in America had no health care coverage at all. We proposed a Medicare program. Now 99 percent of the senior citizens have health care coverage.

Do you know of any insurance companies that are going around America saying: You know what we would like to do is provide unlimited health care insurance to people who have reached the retirement years? We think it is going to be a good business proposition to find those who are in their 60s, 70s, and 80s and provide health insurance because we think that is really going to be profitable. It is not the case.

That is why 40 years ago half the senior citizens couldn't afford to buy health insurance. That is why there was a need for the Medicare program. We not only have a Medicare program, and one that works, but we now need to improve it by offering a prescription drug benefit. When we do, the same tired, hollow voices of the past emerge in this Chamber to say: You know what they are proposing is some sort of Government scheme.

It is not a scheme. It is not a scheme at all. It is an attempt to strengthen a program that every senior citizen in this country knows is valuable to them and their neighbors. That is what this is.

Most Members of the Senate understand that we ought to do this. Some who understand it ought to be done, don't want to do it through the Medicare program and are proposing we provide some stimulus for the private insurance companies to offer some sort of prescription drug benefit. But the private insurance companies come to our office and say: We won't be able to offer this benefit; we would be required to charge senior citizens $1,100 for $1,000 worth of benefit for prescription drugs. They say: We are not going to offer it; it doesn't add up; we won't do it. That is what the U.S. executives say.

I am happy to bring out a chart, as I did the other day, to quote the head of the Health Insurance Association and others who say it won't work—I am talking about the plan proposed by the majority party—it doesn't work at all. But to have them come to the floor of the Senate calling our desire to add an optional prescription drug benefit to the Medicare program some sort of Government scheme doesn't wash. We are trying to do something that we think is thoughtful, we think is necessary, and we think most senior citizens will take advantage of on an optional basis because they understand the price of prescription drugs continues its relentless increase year after year after year.

We have people who have never supported the Medicare program. They don't talk about it, but they have never supported it, never liked it. It is the same people who don't like to add a prescription drug benefit to the program. They say: Gee, we have financial problems with Medicare.

Do you know what our problems are with Medicare and Social Security? Our problems are success. People are living longer. In the year 1900, people in this country were expected to live to be 48 years of age; a century later, people are expected to live to almost 78 years of age. In one century, we have increased the life expectancy nearly 30 years. That is success.

Does that put some strains on the Medicare program and Social Security program because people are living longer? Yes. But of course that strain is born of success. This isn't something to be concerned about; it is something to be proud of. People are living longer and better lives, and part of that is because of the Medicare program. We ought to improve that program by adding the prescription drug benefit to that program now, in this Congress, in the remaining 4 weeks.

I am happy to yield to my colleague from the State of Nevada.

Mr. REID. I say to my friend from North Dakota that I, along with my constituents from the State of Nevada, appreciate the Senator being able to articulate the problems with the cost of prescription drugs. The Senator has been on this floor with visual aids showing how much a drug costs, the cost of a prescription being filled in Canada and the cost in America. There is a 300- to 400-percent difference in some of those medications. These are lifesaving drugs, drugs that make lives more comfortable. It makes people's live bearable.

No one in the Congress has done a better job of suggesting and showing the American people how unfair it is that the United States—the inventor, the manufacturer, the developer of these prescription drugs—why in the world do we, the country that developed the drugs, why do the people from Nevada and North Dakota and every place in between, why do we pay more than the people in Canada, Mexico, and other places in the world?

We don't have an answer to that, do we?

Mr. DORGAN. I say to my colleague from Nevada, we do not have an answer, except I presume it is probably fairly simple: It is about profits. The companies that manufacture prescription drugs have a manufacturing plant, and they produce those drugs in the plant, and they put them in a bottle and put a piece of cotton on top, and they seal it up, and they ship it off. They will ship a bottle to Grand Forks, ND; they will ship a bottle to Reno, NV; and they will ship a bottle to Pittsburgh, PA. Then they will ship a bottle to Winnipeg, Canada, and into Brussels or Paris, and they price it.

They say the U.S. consumers will pay the highest prices of anybody in the world for the same pill in the same bottle; we will charge the American consumer triple, in some cases 10 times, what we charge others. Why? Because they can. Why? Because they want to.

The pharmaceutical industry has profits the Wall Street Journal says are the ''envy of the world.'' I want them to succeed. I appreciate the work in developing new drugs. But a lot of work in the development of new drugs is publicly funded by us, through the National Institutes of Health and other scientific research.

I want them to be successful. I don't, however, want a pricing policy that says to the U.S. consumer, you pay the highest prices for drugs of anybody in the world. It is not fair. And too many of our consumers—especially senior citizens—have reached that stage in life where, with a diminished income, they cannot afford it.

One of the results of the unfairness of all of this and one of the results of not having a prescription drug benefit in the Medicare program is this: Three women who suffer from breast cancer are all seeing the same doctor and the doctor prescribes tamoxifen. Two of the women say: I can't possibly afford it; I have no money. The third, who can, says: I will purchase my dose of tamoxifen, and we will divide it into three, and we will each take a third of a dose.

Or the woman, a senior citizen in Dickinson, the doctor testified before a hearing, suffered breast cancer, had a mastectomy. The doctor said: Here's the prescription drug you must take in order to reduce your chances of a recurrence of breast cancer. The woman said: Doctor, I can't possibly do that; I can't possibly afford that prescription drug. I will just take my chances with the recurrence of breast cancer.

The point is that senior citizens across this country understand, because their doctor has told them the drugs they need to try to deal with their disease and try to improve their lives, all too often they cannot afford it.

In hearing after hearing I have held, I have heard from senior citizens who say: My druggist is in my grocery store. The pharmacy is in the back of the store. When I go to the grocery store, I must go to the back of the

store first because that is where I buy my prescription drug. Only then do I know how much I have left for food.

In State after State, I heard that message. It is not unusual.

That is why this is such an important issue, both with respect to international pricing and the unfairness of asking the American consumer to pay the highest prices in the world for these prescription drugs, but also in terms of whether we add a prescription drug benefit to the Medicare program.

We have proposed that. What has happened is we have people dragging their feet here in the Congress. While they don't want to be against it, they understand we should do it; neither do they really want to do it in the Medicare program, because they have never believed that was a very good program and it was a program pretty much resisted by those would resist everything, as I said.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I yield.

Mr. REID. I carry in my wallet, and I have pulled it out on occasion—it is pretty worn and tattered—some quotes just confirming what my friend from North Dakota said about how people on the majority feel about Medicare.

Let me read some direct quotes: ''I was there fighting the fight, 1 of 12, voting against Medicare because we knew it wouldn't work in 1965.'' Senator Robert Dole. He, as one of the leaders of the Republican Party, opposed it in 1965. I am sure he still opposes it.

We don't have to look at Senator Dole, even though I think he is one of the patriarchs of the Republican Party. Let's look at one of the present leaders, DICK ARMEY: ''Medicare has no place in a free world. Social Security is a rotten trick, and I think we are going to have to bite the bullet on Social Security and phase it out over time.'' This is the House majority leader, DICK ARMEY.

What my friend from North Dakota has said is right: The majority has never felt good about Medicare.

As my friend has said, in 1965 when Medicare came into being, there really wasn't a need for prescription drugs because prescription drugs were in their infancy and it didn't matter the vast majority of the time whether someone was going to live or die, be comfortable or not.

Now, how can we, the only superpower in the world, a nation that is leading the world in research and medical products, how can we have a Medicare program, a program for health care for senior citizens, that does not include the prescription drug benefit? We can't do that.

I also say to my friend, the reason we are here is this morning a Senator came over and gave this presentation and said what my friend from North Dakota said: Sure, we want to do something about Medicare, but I have gotten letters from my constituents saying ''I'm against the big government plan.''

This is exactly what we hear on the radio advertisements and the television advertisements that are paid for by the health care industry. They want the American people to think that the program the Democrats are propounding is a big government plan. There could be nothing further from the truth.

What does this have to do with big government? A woman by the name of Gail Rattigan, from Henderson, NV writes:

> I am a registered nurse who recently cared for an 82-year-old woman who tried to commit suicide because she couldn't afford the medications her doctor told her were necessary to prevent a stroke. It would be much more cost effective for the Government to pay for medications that prevent more serious illnesses and expensive hospitalizations. These include but are not limited to blood pressure medications, anti-stroke anticoagulants, and cholesterol medications. The government's current policy of paying for medications only in the hospital is backward. Get into health promotion and disease promotion and save money.

This is a registered nurse from Henderson, NV.

I want everyone on the majority side to know they are not going to be able to come over and make these statements as if there is no opposition to it. What my friend from Tennessee says is wrong. He states he has gotten all of these letters saying: I am against the big government plan.

That is because of the radio and TV advertisements from the powerful health insurance industry. But the real people are like the 82-year-old woman who wanted to commit suicide because she couldn't get medication.

Also, I want to spread across this record that my friend from Tennessee, who came and said, ''We need the Republican plan,'' makes the statement that he wants to involve Senator BREAUX in this.

The majority can't have it both ways. They either support the Bush plan, the plan of the person running for the President of the United States on the Republican ticket, or they don't support the nominee. It appears what my friend from Tennessee is doing is trying to have it both ways because the Senator from Louisiana does not support Governor Bush's plan.

The majority realizes that their medicare plan simply can not work because of their nominee's $1.6 trillion tax cut proposal. Senator BREAUX pointed this out quite clearly today.

My point is, I say to my friend from North Dakota, people who come here and make statements on the floor need to have substantiation. I say the Senator from Louisiana does not support the Bush Medicare plan.

I also say the majority has introduced a proposal—so we understand it, but it is a Medicare prescription drug benefit in name only. A New York Times writer states:

> . . . all indications are that this plan is a non-starter. Insurance companies themselves are very skeptical; there haven't been many cases in which an industry's own lobbyists tell Congress that they don't want a subsidy, but this is one of them.

I take just another minute or two of my friend's time.

> The GOP plan subsidizes insurance companies, not Medicare beneficiaries. Health insurance companies continue to say the Republican plan is unworkable.

The majority tries to give this to the insurance industry, but the insurance industry doesn't want it because it won't work.

Charles Kahn, President of the Health Insurance Association of America, has stated:

> . . . we continue to believe the concept of the so-called drug-only private insurance simply would not work in practice.
>
> I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

Mr. President, I say to my friend from North Dakota, we know there needs to be something done about the high cost of prescription drugs.

No. 2, we know there has to be something done with Medicare to help senior citizens of this country be able to afford prescription drugs. That is all we are saying. And we want everyone to know the program put forth by the minority is a program that helps senior citizens. It is not something that is means tested, but a program that helps all senior citizens, not people who make less than $12,000 a year. It is a program that is essential. It is essential because people, as we speak, such as Gail Rattigan, who is a registered nurse, who wrote to me, write that people are considering suicide. If they are to take one pill a day, they are splitting them in two; they are asking if they can get half a prescription filled because they simply can't afford it. We need to change that.

Mr. DORGAN. Mr. President, some weeks ago I was attending a meeting in North Dakota dealing with farm issues. An elderly woman came to the meeting. She sat quietly, said nothing. At the end of the meeting, after everyone else had pretty much left, we had shaken hands with a number of them, she came over to me. She was very quiet. She grabbed my arm and she said:

> I just want to talk to you for a moment about prescription drug prices.

I am guessing she was in her mid to late seventies. She said she had serious health problems and she just couldn't afford to buy the prescription drugs her doctor said she needed.

As she began talking about this, her eyes began brimming with tears and then tears began running down her cheeks and her chin began to quiver and this woman began to cry about this issue, saying:

> I just can't afford to buy the prescription drugs my doctor says I need.

This repeats itself all over this country. If it is no longer a question of whether we ought to do this—and perhaps that is the case because we hear almost everyone saying we ought to do this—then the question remaining is: How do we do it?

We say we have a program that works. The Medicare program works. It has worked for nearly four decades. We know nearly 99 percent of America's senior citizens are covered by that Medicare program. And we say let's provide an optional prescription drug benefit that senior citizens, with a small copayment, can access.

Others say let's not do that. That is big government. Medicare is big government, they say. They say what we want to do is have the private insurance companies somehow write policies that would provide prescription drug coverage.

Is that big insurance? If one is big government, are they saying we don't want big government, we want big insurance to do this?

But if it is big insurance—and it is—let's hear what the insurance folks have to say about it. My colleague just mentioned it. Here is a chart.

Mr. Charles Kahn, President of the Health Insurance Association of America, says:

> We continue to believe the concept of the so-called drug-only private insurance simply would not work in practice.

It simply would not work in practice.

I have had two CEOs of health insurance companies come to my office and say to me: Senator, those who are proposing a prescription drug benefit by private insurance company policy, I want to tell you as a President of a company, it will not work. We will not offer such a policy. And if we did, we would have to charge $1,100 for a policy that pays $1,000 worth of benefits.

That is Charles Kahn, again, from the Health Insurance Association of America.

Private drug-insurance policies are doomed from the start. The idea sounds good, but it cannot succeed in the real world.

> I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

That is from the insurance industry itself. Let me just for a moment ask this question.

If the insurance industry would have been able to offer a policy for prescription drugs that was affordable and practical and usable, would they not already have done so? Ask yourself: If in 1960 it would have been profitable for health insurance companies to say, Our marketing strategy is to try to find the oldest Americans, those who are nearest the time when they will have a maximum call for needs in the health care industry, to find those people and see if we can insure them—if that were the case, would there have been a need for the Medicare program? No, there would not have.

Of course, that is not the case. In the private sector, these companies are after profits. How do you find profits in health insurance? Find some young, strapping man or woman who is 20 years old, healthy as a horse, is not going to get sick for 40 years, and sell them a health insurance policy and not have them see a doctor in 40 years, and all the premium is profit. Good for them, good for the company, and good for the healthy person.

But they do not make money by seeking out someone who is 70 years old and probably 5 or 10 years away from the serious illness that is going to have a claim on that health insurance policy, and that is why, in 1960, senior citizens could not afford to buy health insurance. Half of American senior citizens did not have it. The Federal Government said, we have to do something about it. Even when there were those who were pulling the rope uphill, trying to do the positive things, we had people here with their foot stuck in the ground saying: No, we will not go; no, it will not work; it is big government; no, it is a scheme.

We have such people on every single issue in this Chamber. There is a story about the old codger, 85 years old, who was interviewed by a radio announcer. The radio announcer said to him: You must have seen a lot of changes in your life, old timer. The guy said: Yep, and I've been against every one.

We know people like that. There are a lot of them in politics. I can tell you about people who are against everything new. Then, of course, we do it because it is important to do it; it makes life in this country better.

About 10 years later, guess what. They said: Yes, I started that; I was for that. Of course, they were not.

This is not about Republicans or Democrats at this moment. There is no Republican way or Democratic way to get sick; you just get sick. There is no Democratic or Republican way to put together a program like that.

My point is there are some, Governor Bush and others, who have a proposition with respect to prescription drugs that will not work because those on whom they rely to offer a policy say they cannot offer it; it will not work; it cannot be done.

If that is the case, and if they believe, as we do, that we ought to put a prescription drug plan in the Medicare program, then I say join us and help us and work with us over the next 4 weeks and get this done.

The question is not whether, it is how, and the answer to the how is here. You cannot do it the way you say you want to do it. You cannot pretend to the American people you have a plan that will work when the industry you say will do it says it is unworkable.

I did not come here to cast aspersions on anybody or any group. This is one of those issues of perhaps three or four at the end of this 106th Congress that we owe to the American people to do, and the only way we are going to get this done is if those who say they favor a prescription drug benefit in the Medicare program will stop coming to the floor and calling the Medicare program some giant Government scheme. Those who do that understand they are calling a program that has worked for 40 years, that has made life better for a lot of folks in this country, a scheme.

Let's work together. Let's decide we will embrace those things we know will work and help people. That is why I am pleased the Senator from Nevada has joined me today.

I will not go on at length, but the other issue—and at some point I want to visit with the Senator from Nevada about the other issue—is a Patients' Bill of Rights. We held a hearing in his State on that issue. Sometime I want to talk on the floor of the Senate about that hearing. That is another health issue we ought to do in this 4-week period. We owe it to the American people to do it. It is so important.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. REID. We do need to talk about that hearing in Las Vegas. There is not anyone who could watch that and listen to that and not shed a tear.

I want to take off on something my friend from North Dakota said. During that hearing—those sick people and the mother who lost her son—there was not a question about whether or not they were Democrat or Republican. There was not a single word about that. Democrats get sick, and Republicans get sick. That is why I underscore what the Senator from North Dakota has stated today: That we need to come up with a plan that will work. We know the private insurance plan will not work. We do not have to have politicians tell us. The people the majority is trying to help tell us it will not work.

Mr. DORGAN. Mr. President, the Senator is right. I end by saying this is not about politics; it is about solutions to real problems. We understand this is a problem. Prescription drug prices are too high. They are going up too rapidly. Senior citizens cannot afford them.

We have a serious problem in this country in this area. We understand we have a responsibility to do something about it. What? There are two choices. One does not work, and one we know will. This is not rocket science. We know what works. All we need to do is get enough votes in this Congress to decide we will do what works to put a prescription drug benefit in the Medicare program which is available to senior citizens across this country. Six or eight weeks from now, it can be done. We will have it in the Medicare program, and there will be a lot of senior citizens advantaged because of it.

We will have more to say about this, but because others wanted to come to the floor today and talk about schemes and other things, I thought it was important—and the Senator from Nevada did as well—to provide the perspective about what this issue is.

A lot of people speak with a lot of authority. Some are not always right but never in doubt. Some old codger said to me one day: There are a lot of smart people in Washington and some ain't so smart; it's hard to tell the difference.

He is right about that. The currency in Congress is a good idea to address a

real problem that needs addressing. We have a real problem that needs addressing now, and a good idea to address this problem of prescription drugs is to put in the Medicare program an optional program which is affordable, with a small copay that will give senior citizens who need it an opportunity to get the prescription drugs they need to improve their lives.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. VOINOVICH. Mr. President, I rise today to express my support for H.R. 4444, legislation that will extend permanent normal trade relations status to China.

In the past few days, the Senate has held a number of votes on amendments that address issues about which I care deeply. We have debated amendments that deal with such issues as ensuring religious freedom in China; organ harvesting; Tibet; and Senator THOMPSON's amendment dealing with Chinese nuclear proliferation—an issue that needs definite action.

However, I have reluctantly voted against including these, and other amendments, to H.R. 4444. I am committed to passing PNTR, and I believe we must pass a clean bill and present it to the President for his signature as soon as possible. It is long overdue.

Fortunately, as we approach a final vote on PNTR, the Senate is poised to pass a clean bill, which, in my view, will help continue the growth of our economy, and help bring us closer to realizing many of the reforms in China that my colleagues wish to see implemented.

For the past several years, the United States has enjoyed one of its longest periods of economic expansion in our history. International trade has been a vital component of this remarkable economic boom. In fact, the growth in U.S. exports over the last ten years has been responsible for about one-third of our total economic growth. That means jobs for Americans and of particular concern to this Senator, jobs for Ohioans.

As my colleagues know, America's trade barriers are among the lowest in the world, and as a result, American workers face stiff competition from overseas. Nevertheless, it is this competition that has made American workers the best and the most productive anywhere, and the U.S. economy the strongest and most vibrant in the world.

In my state of Ohio, tearing down trade barriers has helped us become the 8th largest exporter in the United States, and part of Ohio's export-related success can be linked to passage of NAFTA.

Thanks to NAFTA, historic trade barriers that once kept American goods and services out of Canadian and Mexican markets either have been eliminated or are being phased out. The positive economic effects have been astounding, including a growth in U.S. exports to Canada of 54 percent and a growth of U.S. exports to Mexico of 90 percent since 1993—the year before NAFTA took effect.

My State of Ohio has outperformed the nation during that time period in the growth of exports to America's two NAFTA trading partners. Ohio exports to Canada have grown 64 percent and Ohio exports to Mexico have grown 101 percent. In the last several years, Mexico has moved from our seventh largest trading partner to fourth.

Since 1994—the same year NAFTA went into effect—nearly 600,000 net new jobs were created in Ohio. Although NAFTA did not create all of these jobs, the boom in export growth triggered by NAFTA, as well as the overwhelming success of the ''New Economy'' have contributed significantly to this job growth.

As in many States in America, unemployment in Ohio today is at a 25 year low; and some areas of the State are even facing worker shortages—in fact, too many. The claims that ''countless numbers of workers'' would lose their jobs due to NAFTA and become ''unemployable'' have rung hollow.

According to the most recent data from the United States Department of Labor, the number of workers who have been certified by the DOL as eligible for NAFTA trade adjustment assistance benefits between January 1, 1994, and September 28, 1999, is 6,074.

However, not all workers who have been certified for NAFTA trade adjustment assistance have actually collected benefits. Additional data from the Department of Labor suggests that only 20 to 30 percent of all certified workers have collected benefits. This means that most workers have moved on to other employment. It also means that NAFTA works.

Building on the success of NAFTA, we have an opportunity to watch lightning strike twice.

In November of last year, the U.S. signed an historic bilateral trade agreement with China, a crucial first step in China's effort to gain entry into the World Trade Organization. This agreement—a product of 13 years of negotiation—contains unprecedented, unilateral trade concessions on the part of China, including significant reductions in tariffs and other barriers to trade.

In return, China would receive no increased access to U.S. markets, no cuts in U.S. tariffs and no special removal of U.S. import protections. This is because our market is already open to Chinese exports, and by signing the bilateral agreement, China has agreed to open its market unilaterally to the United States in exchange for U.S. support for Chinese membership in the World Trade Organization.

If implemented, this agreement would present unprecedented opportunities for American farmers, workers and businesses. In fact, according to the Institute for International Economics, China's entry into the WTO would result in an immediate increase in U.S. exports of $3.1 billion.

An analysis produced by Goldman Sachs, which took into account investment flows, estimates that China's entry into the WTO could translate into $13 billion in additional U.S. exports by the year 2005.

As good as this may sound, the United States risks losing the substantial economic benefits of this agreement unless permanent normal trade relations status is extended to China. Currently, China's PNTR status is annually reviewed by the President and is conditioned on the fulfillment of specific freedom-of-emigration requirements established in 1974 by the Jackson-Vanik law.

However, WTO rules require all members to grant PNTR status to all fellow members without condition. If the U.S. fails to extend PNTR status to China, then both this trade agreement and WTO rules may not apply to our trade with China.

I understand that many Americans oppose PNTR for China because of China's record on a number of important issues, including trade fairness, human rights, labor standards, the environment, and China's emergence as a regional and global military power. I share those concerns, but I believe that rather than unilaterally locking the United States out of the Chinese market, the best way to address these issues is by opening China up.

For years, American businesses have been repeatedly frustrated in their attempts to penetrate the Chinese market and get through numerous trade barriers used by China to protect its uncompetitive state-owned enterprises. In signing the November agreement, China has agreed to remove and significantly reduce these trade barriers. This would open up one of the world's fastest growing and potentially largest markets to American goods and services in a wide range of sectors, from agriculture to automobiles and banking to telecommunications. It would eventually allow U.S. exporters to freely distribute their products to any part of China without interference from government middlemen.

This agreement also maintains and strengthens safeguards against unfair Chinese imports. It preserves a tougher standard in identifying illegal dumping. What's more, with this agreement, we will have better protections from import surges than under current U.S. law. Most importantly, this agreement sets the stage for China to join the WTO and, hence, become subject to both its trade rules and its binding punishments for breaking these rules.

The United States has worked for more than a decade to secure freer access to the Chinese market. If the U.S. does not capitalize on this agreement

by giving China PNTR status, America's competitors in Europe and Asia most certainly will.

Like most Americans, I am deeply concerned about human rights, labor and environmental conditions in China. Some opponents argue that granting PNTR status would somehow remove pressure on China to improve its poor record on these issues. I don't agree.

It is important to remember that China already has the privilege of full access to the U.S. market. Let's get that clear. They already have the privilege of full access to the U.S. market. While Congress has repeatedly criticized China's record on these issues, it has never once revoked China's trade status in an annual review.

Furthermore, granting China PNTR status would not prevent Congress or the administration from continuing to speak out on any and all issues of concern that have been raised, nor would it preclude sanctioning China in the future.

In addition, I regard the expansion of our economic relationship as a far more effective method of influencing change in Chinese behavior than the status quo. If China joins the WTO, the United States will have an unprecedented opportunity to not only export more of our goods and services to China, but also our culture and values. This increased interaction will allow the United States to expose the Chinese people to Western standards of political freedom, human rights, business practices and environmental protection.

No one can predict with any degree of certainty the path China will ultimately choose for itself. But I firmly believe that opening China economically to the rest of the world can only help efforts to open up its political system and improve the lives of its people.

Some argue that China has become a major military rival to America and that increased trade would finance China's military buildup, thereby enhancing China's threat to our national security. I think this logic as inherently wrong.

History has shown that economic integration diminishes military tension and the threat of war, even among historical enemies. The European Union, which brought together two longtime adversaries, France and Germany, is a prime example of this phenomenon.

Nations that trade together share a common interest in remaining at peace and preserving the mutual benefits of free trade. Conversely, rejecting opportunities for economic cooperation would only play into the hands of the old hard-line elements in China who are already hostile to both free trade and the United States.

As the final vote on PNTR approaches, the question that this body must consider is not whether China deserves to enjoy the benefits of WTO membership.

At this point, that is not a decision the U.S. can make wholly on our own, because China will be able to join the WTO if it has the support of its other major trading partners. Nor does the Senate need to determine whether China needs to improve its record on human rights, labor standards and the environment. It is already clear that these issues need to be addressed.

What the Senate needs to do is to decide whether our Nation will be able to benefit from a hard-fought agreement that unilaterally opens China's markets to American products, and whether the United States should use this trade relationship to advance democratic reform, build a trusting relationship, and address grievances without hostility. In my view, granting China permanent normal trade relations status is the first step in that process.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my admiration for the Senator from Ohio. He effectively states his case on matters of great importance to his State and the Nation. He always does that effectively. I greatly admire his views and thought processes.

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, not too long ago our former colleague, Paul Coverdell, introduced the National Forensic Sciences Improvement Act. It was a bill to further Federal support to State forensic laboratories, those places where DNA evidence is evaluated, where drug evidence is evaluated, where fingerprints, ballistics, and all the other scientific data from carpet fibers, and so forth, are evaluated, and then reported out to the prosecutors around the country so cases can be prosecuted on sound science.

Today we have a crisis in our criminal justice system. We clearly have a bottleneck, of major proportions, in the laboratory arena. There is simply an exploding amount of work. More and more tests are available. People are demanding more and more tests on each case that comes down the pike. We are way behind.

In my view, as a person who spent 15 years of my life prosecuting criminal cases, swift, fair justice is critical for any effective criminal justice system. We need not to see our cases delayed. We need to create a circumstance in which they can be tried as promptly as possible, considering all justice relevant to the cases.

I ran for attorney general of Alabama in 1994. I talked in every speech I made, virtually, on the need to improve case processing. The very idea of a robber or a rapist being arrested and released on bail and tried 2 years later is beyond the pale. It cannot be acceptable. It cannot be the rule in America.

Yet I am told by Dr. Downs of the forensic laboratory in the State of Alabama that they now have delays of as much as 20 months on scientific evidence. We know Virginia last year, before making remarkable improvements, had almost a year—and other States. Another police officer today told us his State was at least a year in getting routine reports done. This is a kind of bottleneck, a stopgap procedure that undermines the ability of the police and prosecutors to do their jobs.

I was pleased and honored to be able to pick up the Paul Coverdell forensic bill and to reintroduce it as the Paul Coverdell National Forensic Improvement Act of 2000. We have had marvelous bipartisan support on this legislation. Senator MAX CLELAND from Georgia, Paul's colleague, was an original cosponsor of it. He was at our press conference this morning. Senator ZELL MILLER, former Governor of Georgia, who has replaced Paul in the Senate, was also at the press conference today, along with ARLEN SPECTER, a former prosecutor, PAUL WELLSTONE, DICK DURBIN, and others who participated in this announcement.

We need to move this bill. It will be one of the most important acts we can do as a Senate to improve justice in America. It is the kind of thing this Nation ought to do. It ought to be helping States, providing them the latest equipment for their laboratories, the latest techniques on how to evaluate hair fiber or carpet fiber or ballistics or DNA. It ought to be helping them do that and ought not to be taking over their law enforcement processes by taking over their police departments, telling them what kind of cases to prosecute, what kind of sentences to impose and that sort of thing.

A good Federal Government is trying to assist the local States. One of the best ways we could ever do that is to support improvements in the forensic laboratories. I believe strongly that this is a good bill in that regard.

The numbers of cases are stunning. I will share a few of the numbers and statistics that I have. According to the Bureau of Justice Statistics of the Department of Justice, as of December of 1997—it has gotten worse since—69 percent of State crime labs reported DNA backlogs of 6,800 cases and 287,000 offender samples were pending. That is human DNA we are talking about. That is not available in every case, but that is not all they have backlogs on. Every time cocaine is seized and a prosecutor wants to try a cocaine case, the defense lawyer is not going to agree to go to trial. He will not agree to plead guilty until he has a report back from the laboratory saying the powder is, in fact, cocaine. It is almost considered malpractice by many defense lawyers to plead guilty until the chemist's report is back.

This is slowing up cases all over America. The labs have lots of problems in how they are falling behind. I think we need to look at it.

One article reports:

As Spokane, Washington authorities closed in on a suspected serial killer they were

eager to nail enough evidence to make their case stick. So they skipped over the backlogged Washington State Patrol crime lab and shipped some of the evidence to a private laboratory, paying a premium for quicker results. * * * [A] chronic backlog at the State Patrol's seven crime labs, which analyze criminal evidence from police throughout Washington state, has grown so acute that Spokane investigators have feared their manhunt would be stalled.

Suspects have been held in jail for months before trial, waiting for forensic evidence to be completed. Thus potentially innocent persons stay in jail, potentially guilty persons stay out of jail, and victims get no closure while waiting on laboratory reports to be completed.

A newspaper in Alabama, the Decatur Daily, said:

[The] backlog of cases is so bad that final autopsy results and other forensic testing sometimes take up to a year to complete.

Now they are saying it takes even longer than that in Alabama.

It's a frustrating wait for police, prosecutors, defense attorneys, judges and even suspects. It means delayed justice for families of crime victims.

Another article:

To solve the slaying of Jon Benet Ramsey, Boulder police must rely to a great extent on the results of forensic tests being conducted in crime laboratories. [T]he looming problem for police and prosecutors, according to forensic experts, is whether the evidence is in good condition. Or whether lax procedures * * * resulted in key evidence being hopelessly contaminated.

We need to improve our ability to deal with these issues. This legislation would provide $768 million over 6 years directly to our 50 State crime labs to allow them to improve what they are doing.

At the press conference today, we were joined by a nonpolitician and a nonlaw enforcement officer, but perhaps without doubt the person in this country and in the world who has done more than any other to explain what goes on in forensic labs. We had Patricia Cornwell, a best-selling author of so many forensic laboratory cases—a best selling author, perhaps the best selling author in America. She worked for a number of years in a laboratory, actually measuring and describing, as they wrote down the description of the knife cuts and bullet wounds in bodies. She worked in data processing.

She has traveled around this country, and she has visited laboratories all over the country. She said at our press conference they are in a deplorable state. She said the backlog around the country is unprecedented. She lives in Richmond, VA. She personally has put $1.5 million of her own money, matched by the State of Virginia, Governor Gilmore, to create a laboratory in Virginia that meets the standard she believes is required. It is a remarkable thing that she would do that, be that deeply involved.

She is involved and chairman of the board of the foundation that helped create that. She told us how police, defense attorneys, prosecutors, are asking for DNA evidence on cigarettes, on hat bands. They want hair DNA done, hundreds and hundreds of new uses, a Kleenex, perhaps, take the DNA off of that, in addition to the normal objects from which you might expect DNA to be taken. Her view was—and she is quite passionate about this; she has put her own money in it; she understands it deeply—that nothing more could be done to help improve justice in America than to help our laboratories around the country.

We have people on death row who are being charged with capital crimes. We have people who have been charged with rape who are out awaiting trial because they haven't gotten the DNA tests back on semen specimens or blood specimens, and they may well be committing other rapes and other robberies while they are out, if they are guilty. Also, there is evidence to prove they are not guilty if that is the case.

I believe we had a good day today. I believe this Senate and this Congress will listen to the facts about the need for improvement of our forensic laboratories which will respond to the crush of cases that are piling up all over the country and will recognize the leadership that our magnificent and wonderful colleague, Paul Coverdell, gave to this effort and will be proud to vote for the bill named for him, the Paul Coverdell National Forensic Sciences Improvement Act of 2000, and that we can, on a bipartisan basis, move this bill and strike a major blow for justice in America.

I talked with the Attorney General of the United States, Janet Reno, yesterday. She told me this was very consistent with her views. She supports our efforts to improve forensic science capabilities, and she said it is consistent with the Department of Justice's approach to helping State and local law enforcement. I believe the Department of Justice will be supporting this legislation, and we intend to work with everybody who is interested to improve it. At this point, the legislation speaks for itself. It is receiving broad bipartisan support, and I believe we can move it on to passage this year. Nothing we could do would help fight crime more and produce a better quality of justice in our courts over America than passage of this bill.

Mr. President, I ask unanimous consent that Senators HARKIN, MCCONNELL, BUNNING, and GRAMS be added as original cosponsors of S. 3045, which I introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I also want to express my appreciation for legal counsel on the Judiciary Committee, Sean Costello, who is with me today, and my chief counsel, Ed Haden, for their support and the extraordinary work they have done in helping to prepare this bill for filing.

SELLING VIOLENT VIDEO GAMES TO CHILDREN

Mr. SESSIONS. Mr. President, I see my colleague from Kansas, Senator BROWNBACK, is here. I had the pleasure recently to be at a press conference with him, which he arranged. He had written a letter to a number of businesses, which I joined. Senator TIM HUTCHINSON and JOE LIEBERMAN also signed that letter. We asked them to consider whether or not they ought to continue to sell video games rated ''M,'' for mature audiences, to young people without some control. In fact, Sears and Montgomery Ward said they would not sell them anymore. They didn't want them in their stores. Wasn't that a good response? Kmart and Wal-Mart said they are not going to sell to minors without an adult or parent present. We believe that was a good corporate response.

I appreciate the leadership of the Senator from Kansas and his hearing, subsequent to that press conference, with a lot of the manufacturers of this product. I understand, from what I have seen, he was particularly skillful in raising the issues and holding these producers of this product to account and challenging businesses and corporate leadership to be more responsible because we now have a conclusive statement from the American Medical Association and half a dozen other groups that this kind of violent entertainment and video games have the capability of harming young people and leading them on to violence. That is bad for them and our country.

I thank the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

MARKETING VIOLENT ENTERTAINMENT PRODUCTS TO CHILDREN

Mr. BROWNBACK. Mr. President, I thank my colleague from Alabama, Senator SESSIONS, for his role in this matter. As a former attorney general, he brought up some excellent points about what these do when you put a child and a video game in a first person shooter role and you reward them for mass killings. You give them points. Particularly at the end, some of these games give a reward which is a particularly grisly killing scene. He pointed out that when you train children in this type of situation, this is harmful to them psychologically, and it is something to which we should be limiting their access.

He also brought a lot of personal insight from his background as an attorney general, and that was really helpful. I hope we are going to be able to draw more attention to parents in the country about these products because it has a harmful effect.

Some of our military actually buy the same products and train our military personnel on the video games. They use it as a simulator. They do it as a way of trying to get people to

react and also to get them up on what is called their ''kill ratio.'' In World Wars I and II, we had problems with soldiers who would not shoot to kill because it was not a natural reaction. They would tend to shoot around. So they had to figure out how to get that ratio up in the military. The problem is when you do that with a child in an unsupervised game—the same game being used by military personnel as a simulator of combat conditions—that can be very harmful.

We found out yesterday at the hearing that it is not only rated for a mature audience, it is not supposed to be used by a child. The industry itself rates it ''mature,'' but they market it to the child. They are target marketing it to children, according to a Federal Trade Commission study.

I will speak about the Federal Trade Commission report that was aired in the Commerce Committee yesterday on marketing of violent entertainment products to our children. I want to talk about what that report brought forward, what we saw at the hearing yesterday, and some conclusion and things I think we can move forward on in dealing with this problem.

At the outset, I recognize the work of one of my staff members, Cherie Harder, who has done outstanding work in the time she has been with me in the Senate in raising the visibility of this issue.

It has been said that every good idea goes through three stages: First, it is ridiculed; second, it is bitterly opposed; last, it is accepted as obvious.

Over the past 2 years, I have chaired three hearings in the Commerce Committee on the effectiveness of labels and ratings, the impact of violent entertainment products on children. The first hearing on whether violent products are being marketed to our children happened about a month after the Columbine killings took place in Colorado. When we started out in these hearings, these ideas I put forward were ridiculed, bitterly opposed shortly afterwards; but now, in reviewing the FTC report, the fact that harmful, violent entertainment is being marketed to kids is now being accepted as clear and obvious.

We have come a long way. This is an important Federal Trade Commission report. When I introduced the legislation last year to authorize the FTC report, which was cosponsored by several of my colleagues, I did so because of overwhelming anecdotal evidence that violent adult-rated entertainment was being marketed to children by the entertainment industry. It has been said that much of modern research is corroboration of the obvious by obscure methods. This study corroborates what many of us have long suspected, and it does so unambiguously and conclusively. It shows, as Chairman Pitofsky of the FTC noted, that the marketing is ''pervasive and aggressive.''

It shows that entertainment companies are literally making a killing off of marketing violence to kids. The problem is not one industry. It can be found in virtually every form of entertainment—music, movies, video games. Together they take up the majority of a child's leisure hours. The message they get and the images they see often glamorize brutality and trivialize cruelty.

Take, for example, popular music. The FTC report notes that 100 percent of sticker music—that is music that has been rated by the industry rating board itself as not appropriate for the audience under the age of 18. The survey by the FTC was of the entertainment industry target-marketing to kids. This is both troubling and fairly predictable—troubling in that the lyrics you see that we previously discussed are target-marketed to young kids—mostly young boys—whose characters, attitudes, assumptions, and values are still being formed and vulnerable to being warped, and predictable in that there are few fans for such music who are over the age of 20.

Movies are equally blatantly marketed to kids, and they are appalling in their content. Movies have great power because stories have great power; they can move us; they can change our minds, our hearts, and even our hopes.

The movie industry wields enormous influence. When used responsibly, their work can edify, uplift, and inspire us. But all too often that power is used to exploit.

I have seen some movies that are basically 2-hour long commercials for the misuse of guns.

The movie industry has the gall to target-market teen slasher movies to child audiences and then insist that the R ratings somehow protect the movie industry. From reading the FTC report, it seems clear that the ratings protect the industry from the consumers rather than the consumers from the industry.

Take video games. When kids play violent video games, they do not merely witness slaughter; they engage in virtual murder. Indeed, the point of what are called the first-person shooter games—that is virtually all of the M-rated games, sticker games that the industry itself says are inappropriate for an under-age-18 audience—the object is to kill as many characters as possible. The higher the body count, the higher your score. Often bonus points are given for finishing off your enemy in a particularly grisly way. Common sense should tell us positively that reinforcing sadistic behavior is a bad idea, and that in itself cannot be good for children.

We cannot expect that the hours spent in school will mold and instruct the child's mind but that hours spent immersed in violent entertainment will not. We cannot expect that if we raise our children on violence, they are going to somehow love peace. This is not only common sense, it is a public health concern.

In late July, I convened a Public Health Summit on Entertainment Violence. At the summit, we released a joint statement signed by some of the most prominent associations in the public health community. These are some of them: The American Medical Association; the American Academy of Pediatricians; the American Psychological Association; the Academy of Family Physicians; the American Psychiatric Association, and the Academy of Child and Adolescent Psychologists. All of them signed the same document. I will only read a portion of that document to you. This portion of it reads this way:

''Well over 1,000 studies point overwhelmingly to a causal connection''—not correlation, causal connection—''between media violence and aggressive behavior in some children. The conclusion of the public health community based on over 30 years of research is that viewing entertainment violence can lead to increases in aggressive attitudes, values, and behavior, particularly in children.''

There is no longer a question as to whether disclosing children to violent entertainment is a public health risk. It is just as surely as tobacco or alcohol.

The question is, What are we going to do about it? What does it take for the entertainment industry and its licensees and retailers to stop exposing children to poison?

There is an additional element that this generally excellent FTC study fails to cover. That is the cross-marketing of violence to kids.

There is ample proof that the entertainment industry not only directly targets children with advertising and other forms of promotion but also markets to them via toys and products that the entertainment industry itself rates as inappropriate for children.

Walk into any toy store in America and you will find dolls, action figures, hand-held games, Halloween costumes based on characters in R-rated movies, musicians noted for their violent lyrics, and M-rated video games. Maybe I am particularly sensitive to this because I have five children. But I know this is accurate.

There is an equally egregious aspect of marketing violence to children and cross-marketing of violent products to kids—one that has not yet adequately been investigated. We need to do so. I look forward to working with the FTC to ensure that this is done as well.

Another media step we need to take is to ensure that these industries enter into a code of conduct.

Consumers and parents need to know what their standards are for these industries; how high they aim; or how low they will go.

I have introduced legislation—S. 2127—that would provide a very limited antitrust exemption that would enable but not require entertainment companies to enter into a voluntary code of conduct—have them set a floor, a base below which they won't go to get products out to children.

We had a very telling exchange yesterday in committee. We had two executives from the movie industry and two from the video game industry. I asked them several times, Is there any word, is there any image so grisly, so bad, is there any example so horrible that you wouldn't put it in music or into a video game? Is there anything, any word, any image? We have some music that is very hateful toward women and harmful. Is there anything that you wouldn't include, that you could say here today you wouldn't put in music or in a video game? They wouldn't state anything that they wouldn't put in—nothing at all.

We need them to set an industry code of conduct where they would set the standard below which they wouldn't go because many of them are saying if you don't do it, somebody else will. They will chase it. These billion-dollar industries think they don't have to go this low. But why not engage them in setting a voluntary code of conduct? They need to do so, and we need to pass this legislation to allow them to do it.

There are other steps we should consider, but a rush to legislate is not one of them. Frankly, imposing 6-month deadlines on an industry that is actively fleecing money is unlikely to bring about lasting reform such as that suggested by the Vice President. We need to encourage responsibility and self-regulation. We need a greater cooperation from the corporations regarding their view of what they can do to help our children morally, physically, and emotionally—for the well-being of our children rather than harming them. This FTC report is an important step in that direction because although it concentrates on the tip of the iceberg, it does shed light on the magnitude of the problem that we have with the entertainment industry. It shows kids are being exploited for profit and exposes a cultural externality in this market.

Ultimately, we asked the entertainment executives to come in front of the Commerce Committee yesterday—and in 2 weeks the movie industry—to work with us and to appeal to their sense of corporate responsibility and citizenship. Our appeal is this: Please just do the right thing. Stop marketing violence to our kids. If you believe a product is inappropriate for somebody under the age of 18, then don't target-market to that child that same product that you yourselves rate inappropriate for a child under the age of 18. Just stop it. Just do not do it.

If the industry persists, the FTC has stated that they are going to do an investigation into whether or not some members of the industry who are doing this are liable to charges of false and deceptive advertising of these products.

As I mentioned, a code of conduct would be an appropriate step forward for the industry to take.

Yesterday, we discussed the music industry making widely acceptable and available to parents the lyrics that are in the music because, right now, those are not readily accessible or available to parents. But ultimately, we all protect the first amendment, and nobody is for censorship. I state that again. Nobody is for censorship. But we need to appeal to this industry to just do the right thing and stop target-marketing their products to our children. It is just wrong, and they need to stop it.

MEASURE PLACED ON THE CALENDAR—H.R. 2090

Mr. BROWNBACK. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2090) to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

Mr. BROWNBACK. I object to further proceeding on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

MEASURE READ FOR THE FIRST TIME—S. 3046

Mr. BROWNBACK. Mr. President, I understand S. 3046 has been introduced by the majority leader and it is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3046) to amend title 11 of the United States Code, and for other purposes.

Mr. BROWNBACK. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR FRIDAY, SEPTEMBER 15, 2000, MONDAY, SEPTEMBER 18, 2000, AND TUESDAY, SEPTEMBER 19, 2000

Mr. BROWNBACK. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:00 a.m. on Friday, September 15. I further ask consent that on Friday, Monday, and 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 on Friday the Senate then resume consideration of H.R. 4444, the China PNTR bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I further ask consent that the Senate convene on Monday at 12 noon, with the time until 2 p.m. designated for morning business, with Senators speaking for up to 10 minutes each, with the following exceptions: Senator THOMAS or his designee, 1 to 2 o'clock; Senator GRAHAM of Florida, or his designee, 12 to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. On Tuesday, September 19, I ask that the Senate convene at 9:30 a.m., as under the previous order, and the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet and, upon reconvening, there be a vote on final passage of H.R. 4444, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. For the information of all Senators, at 10 a.m. tomorrow the Senate will resume consideration of H.R. 4444, the China trade bill. Those Senators who would like to make statements as in morning business may also come to the floor at any time during tomorrow's session.

On Monday, the Senate will be in a period of morning business from 12 noon until 2 p.m. and then resume consideration of the China PNTR legislation. Also on Monday, the Senate may begin consideration of the water resources bill if an agreement can be reached.

On Tuesday, under previous order, the two leaders will have from 9:30 a.m. until 12:30 p.m. for closing remarks on the PNTR bill. Following the weekly party conferences at 2:15 p.m., a vote will occur on final passage of the PNTR bill. Senators can expect the first vote of next week on Tuesday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Friday, September 15, 2000, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 2000:

DEPARTMENT OF COMMERCE

ELWOOD HOLSTEIN, JR., OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE TERRY D. GARCIA, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MELVIN E. CLARK, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2002. (REAPPOINTMENT)

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SHERYL R. MARSHALL, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2002. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NINA M. ARCHABAL, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE NICHOLAS KANELLOS, TERM EXPIRED.

BETTY G. BENGTSON, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE RAMON A. GUTIERREZ, TERM EXPIRED.

RON CHEW, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE ROBERT I. ROTBERG, TERM EXPIRED.

HENRY GLASSIE, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE MARTHA CONGLETON HOWELL, TERM EXPIRED.

MARY D. HUBBARD, OF ALABAMA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE THEODORE S. HAMEROW, TERM EXPIRED.

NAOMI SHIHAB NYE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE BEV LINDSEY, TERM EXPIRED.

VICKI L. RUIZ, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE HAROLD K. SKRAMSTAD, TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

TONI G. FAY, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2001, VICE JOHN ROTHER, TERM EXPIRED.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE EDUCATION FOUNDATION

MICHAEL PRESCOTT GOLDWATER, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005, VICE WILLIAM W. QUINN, RESIGNED.

HANS MARK, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 17, 2002. (REAPPOINTMENT)

LYNDA HARE SCRIBANTE, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005. (REAPPOINTMENT)

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

THOMAS A. FINK, OF ALASKA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2003. (REAPPOINTMENT)

THE JUDICIARY

STEPHEN B. LIEBERMAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE EDWARD N. CAHN, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

READ ADM. (LH) ROBERT C. OLSEN JR., 0000
READ ADM. (LH) ROBERT D. SIROIS, 0000
READ ADM. (LH) PATRICK M. STILLMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TONEY M. BUCCHI, 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

REAR ADM. TIMOTHY J. KEATING, 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

REAR ADM. MARTIN J. MAYER, 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. DENNIS V. MCGINN, 0000

EXTENSIONS OF REMARKS

IN HONOR OF THE 50TH ANNIVERSARY OF STS. PHILIP & JAMES CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the fiftieth anniversary of Sts. Philip & James Church. A true leader in Cleveland's church community, Sts. Philip & James has progressed with the times and continues still to redefine itself in keeping with its mission of community outreach.

The decree for a new parish, to be located in Cleveland's West Boulevard neighborhood, was made effective on May 1, 1950; the cornerstone was laid on September 24 of the same year. Sts. Philip & James school opened in February of 1951, with 270 students transferring from eight area public and parochial schools. As both the school and parish continued to grow, disaster struck in 1953 when a tornado ravaged the neighborhood. For three days, Sts. Philip & James became a Red Cross Shelter for victims, and the 107th Armory Calvary Regiment established its field headquarters there. After helping the area to recover, the parish became even more active, with such groups as the women's guild, the Alter and Rosary Society, a Parent Teacher Union, a Holy Name Society, as well as numerous choirs.

Upon entrance to its second decade, Sts. Philip & James continued to grow in both numbers and facilities for the surrounding Catholic community. Though a fire in the rectory in 1963 tested the congregation's strength, it bounced back with fundraising drives establishing permanent housing for both the priests as well as the Franciscan Sisters who have been an integral part of the parish community since the school opened. Serving as both staff and teachers, the Franciscan Sisters have tirelessly dedicated their time to the betterment of the community. Like many Cleveland diocese churches, though, numbers inevitably decreased in the 70s and 80s, culminating in the eventual closing of the school in 1998. This left a smaller church community, though one which has never lost the spirit which kept Sts. Philip & James thriving through both the best and most trying of times.

Today, Sts. Philip & James is undergoing a self proclaimed ''adjustment period,'' though one that they are handling with deft and grace. The convent, abandoned when the school closed, has been converted into a maternity home for young girls who need a safe haven, and in 1999, renovations were underway on the school to create the new Horizon Science Academy for seventh, eighth and ninth grade students. Truly, Sts. Philip & James church deserves our acknowledgment and congratulations for fifty impressive years of service to the Cleveland community, and what appears to be many more years to come.

I ask my colleagues to join me in rising to honor this truly remarkable institution as it celebrates fifty years of outstanding service to the Cleveland area.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE HERBERT H. BATEMAN, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

SPEECH OF

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today in tribute to a steadfast colleague and a truly dedicated public servant. This week, this House lost a treasured friend with the passing of Representative Herb Bateman of Virginia.

One characteristic distinguished Herb throughout his 50-year career: commitment to public service. Whether as a teacher, Air Force Officer, attorney, or legislator, Herb aspired to and reached a high standard of service to his students, his country, his clients, and his constituents. I know this first-hand, since we served together for over 18 years.

In his time in the Virginia Senate, Herb distinguished himself as a leader in diverse issue areas including agriculture, energy, education, and the budget. In this body, Herb, a member of the Armed Services Committee, earned a reputation as a fighter for a strong and prepared military. He understood the dynamic role of the United States in the post-cold war world. Toward this end, Herb was a strong advocate for military readiness, and a staunch supporter of his constituents in the shipbuilding industry and the local military community.

Perhaps the greatest reasons for Herb's success as a legislator are his bipartisanship and his patriotism. He was always looking out for America's best interests, always willing to hear the other side, always capable of expressing his views in logical, rather than partisan, ways. Herb showed us the importance of duty, integrity, and responsibility in public life.

We will miss him.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for marriage penalty tax reform. Americans should not have to pay additional taxes simply because they have made the decision to get married. However, I will continue to oppose the marriage penalty tax relief as proposed in the bill under consideration today because it offers the majority of the relief to wealthy individuals subject to this tax without regard to the economy, future revenues or tax fairness. I will vote to sustain President Clinton's veto of this misguided effort.

Many middle class Americans believe they do not receive value for their taxes. An important component of any tax reform debate should focus on renewing taxpayer's confidence that they are not only being taxed fairly, but that their tax dollars are being spend wisely. It concerns me that we are considering a marriage penalty tax relief proposal today without a broader discussion of reform of our tax policy. We don't make decisions in a vacuum and the decisions we make today will have an impact on future revenues and spending on priority initiatives.

I want to work with my colleagues on both sides of the aisle to come up with meaningful, fiscally responsible marriage penalty tax relief. We can afford to correct this oddity in the tax code and offer middle class families much needed relief. Unfortunately, the bill before us today does not do that. A couple making $31,000 annually would get a tax cut of only $182 under this bill, while the wealthiest five percent of couples would be getting a tax cut of approximately $1000 each year. Further, many of these higher-income families who would receive the majority of the relief under this bill are not impacted by the existing marriage penalty. Consequently, the bill as currently drafted gives the most affluent a marriage bonus. This isn't fair, it isn't responsible tax policy and it isn't affordable.

The bill vetoed by the President costs $292 billion over 10 years. This tax cut is $110 billion more than the version which passed the House of Representatives earlier this year. A tax cut of this size passed without regard to other tax reform needed, such as the estate tax, and without regard to other dynamics in the economy is irresponsible. Adoption of this tax cut will greatly jeopardize our nation's ability to pay down the national debt, comprehensively reform the tax code and ensure the stability of Social Security and Medicare.

I am hopeful that by working together we can come up with an economic strategy which provides fiscal security by using any surplus pay down our publicly held debt and make Social Security and Medicare solvent, while also providing a tax relief package that helps working families. The bill before us today doesn't do this and I cannot support it. I hope our actions today will bring the House leadership to the table to design a measure that the President can sign into law.

IN HONOR OF PARMADALE'S 75TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Parmadale's 75th anniversary. Over the years, this organization has continued to provide a vital caring service for deprived and needy children in the city of Parma. It has been an outstanding force in support of the family unit and provides an essential vision of social cohesion within our community for which we should all pay our respect.

Founded in September 1925, Parmadale was created with the objective of strengthening families by teaching parents how to more effectively care for their children. Throughout its years of community service, Parmadale's ethos has always been founded upon the strengths of family, neighborhood and community. As a care treatment provider it has maintained this fundamental value through services such as ''Whole Family Treatment.'' It has also succeeded in adapting to the changing needs of children in our society.

Today it provides essential services for children suffering from drug dependence, mental difficulties, and serious emotional problems. The center prides itself on its flexible clinical response to the needs of children. The faculty provides specialized residential services, a range of foster care, as well as in-home services and day care. In 1989, the St. Augustine Center for Special Needs Children was established. This was the first Intensive Treatment Center for adolescents in the State of Ohio. In 1994, its success was conformed by the addition of a second Intensive Treatment Center.

My fellow colleagues please join me in paying respect to the outstanding work of the Parmadale Center. Its years of experience and flexibile approach to care services ensure that it will continue to provide an invaluable service for the youth and general community of Parma, Ohio.

INTRODUCTION OF H.R. 5179, THE REGISTERED NURSES AND PATIENTS PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. LANTOS. Mr. Speaker, today, with our colleague, the Gentleman from Massachusetts (Mr. MCGOVERN), I am introducing legislation that would restrict the ability of hospitals and other medical facilities to require registered nurses to work mandatory overtime hours as a normal course of business. Increasingly, employers, particularly in the health care field, are requiring employees to work overtime. Our legislation is H.R. 5179, the Registered Nurses and Patients Protection Act.

The Fair Labor Standards Act grants nurses the right to receive overtime compensation even though they are licensed professionals, but it does not limit the amount of overtime that nurses can work nor does it permit them to refuse mandatory overtime. In this era of full employment, it is simply easier and cheaper for hospital administrators to require existing employees to work overtime than it is for them to recruit and train new employees.

Mr. Speaker, no employer should be allowed to force an employee to work overtime or face termination unless there is an emergency situation that requires immediate emergency action. In the health care field, however, we are not just talking about an employee's right to refuse overtime work. We are also talking about patient safety. When nurses are forced to put in long overtime hours on a regular basis against their better judgment, it puts patients at risk.

The Registered Nurses and Patients Protection Act would amend the Fair Labor Standards Act to prohibit mandatory overtime beyond 8 hours in a work day or 80 hours in any 14-day work period except in the case of a natural disaster or in the event of a declaration of an emergency by federal, state or local government officials. The legislation does not preclude a nurse from voluntarily working overtime.

Mr. Speaker, mandatory overtime for nurses is bad health care policy. A nurse shouldn't be on the job after the 15th or 16th consecutive hour especially after she has told her supervisor ''I can't do this, I've been on the job too many hours today.''

Nursing is physically and mentally demanding. When a nurse is tired, it is much more difficult to deliver quality, professional care to patients. Health care experts and common sense tell us that long hours take a toll on mental alertness and mandatory overtime under such conditions can result in serious medical mistakes—medication errors, transcription errors, and errors in judgment. By the end of a regular shift a nurse is exhausted. Increasingly, however, nurses are being forced to work 16, 18 or even 20 consecutive hours in hospitals across our nation.

Mr. Speaker, a nurse knows better than anyone—better than her supervisor and better than a hospital administrator—when she has reached the point of fatigue when continuing to work can result in serious medical problems. We must give nurses more power to decide if long hours on the job is making it difficult to perform their duties. This legislation is not a case of government micro-managing—this legislation gives nurses the power to say ''NO'' to the forced overtime practices of hospitals nationwide. We cannot continue to allow hospitals to force nurses to work so many hours that the health and safety of patients are put at risk. I urge my colleagues to join me in supporting the adoption of the Registered Nurses and Patients Protection Act.

FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to this bill. It is problematic for a number of reasons. First, it does not address concerns laid out clearly in a letter to Deputy Secretary Eizenstat I signed in April along with 31 of my colleagues. I am attaching a copy of that letter.

In the wake of the WTO's adverse decision on Foreign Sales Corporations, we urged the Administration—as it fashioned its response to the WTO decision—to resist efforts to increase benefits for military arms sales. After all, if the U.S. is serious about leading the world into a peaceful future, we should be promoting arms control—not increasing subsidies for defense contractors so that they can promote the conventional arms race. But this bill does just what we urged the Administration not to do—it would increase defense contractor subsidies.

In addition, this bill continues export subsidies for tobacco, thus making it American policy to promote the sales of cigarettes all over the world.

Mr. Speaker, these are serious issues deserving of serious debate. At a minimum, the bill should have been brought up under a rule for purposes of a thorough debate and consideration of amendments. This was especially necessary given the cost of the bill. At $1.5 billion over five years (in addition to the revenue that would be lost under FSC), this bill should have been more thoroughly discussed before being put to a vote.

For these reasons, Mr. Speaker, I cannot support H.R. 4986 as it has been brought before the House.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 19, 2000.

Hon. STUART E. EIZENSTAT,
Deputy Secretary of the Treasury,
Washington, DC.

DEAR SECRETARY EIZENSTAT: In your position as the lead Administration official charged with implementing an acceptable response to the adverse World Trade Organization (WTO) decision on Foreign Sales Corporations (FSC), we urge you to resist all efforts to increase benefits for military arms sales. Indeed, the existing benefits should actually be narrowed.

The current limitation on this benefit, as contained in 26 USC §923(a)(5), provides that the normal FSC benefit is reduced by 50% for sales of certain military property, defined by Treasury as, ''an arm, ammunition, or implement of war.'' Specific covered military property is listed on the U.S. Munitions List (22 CFR 121), as provided for by the Arms Export Control Act (22 USC §2778).

Firmly believing that our nation should be providing more leadership for effective arms control policies, we seek your help to avoid additional subsidies with federal taxpayer monies to promote the conventional arms races that plague our planet. We should be promoting arms control, not arms sales.

The complicated legislative history of the FSC provision does show that it was intended to help U.S. companies to compete overseas. However, according to the Congressional Research Service, in 1997, the United States enjoyed a 44% share of the world market for arms while Great Britain, its nearest competitor, had 17%. In 1998, the United States led in new arms deals with $7.1 billion, followed by Germany at $5.5 billion. Even the Defense Department has touted the world market dominance by U.S. companies, writing in 1994:

''The forecasts support a continuing strong defense trade performance for U.S. defense products through the end of the decade and beyond. In a large number of cases, the U.S. is clearly the preferred provider, and there is little meaningful competition with suppliers from other countries. An increase in the level of support the U.S. government currently supplies is unlikely to shift the U.S.

export market share outside a range of 53 to 59 percent of worldwide arms trade.''

In 1976, Congress decided to reduce the benefit for military sales in half, establishing a 50% limit on tax benefits. In fact, the Senate provision would have eliminated it altogether for military goods, ''unless it was determined that the property is competitive with foreign-manufactured property,'' and the House provision would have terminated benefits for military sales, ''except if the products are to be used solely for non-military purposes.'' A report from the Joint Committee on Taxation at the time shows that Congress was very concerned with the revenue cost of this program. To increase this benefit now would cost federal taxpayers an additional $2 billion over the next 10 years. This subsidy is unnecessary. As Treasury's Office of Tax Policy wrote to the Department of Defense in December, 1998:

''[W]e analyzed whether the defense industry receives any benefits or subsidies from the U.S. government, particularly any benefits or subsidies that are not generally available to other industries. Our analysis indicates that the defense industry does benefit from its special relationship with the U.S. government, and the benefit is arguably greater now than in years past . . .''

On the question of doubling the FSC benefit to 100% for military sales, Treasury wrote in August, 1999:

''We have seen no evidence that granting full FSC benefits would significantly affect the level of defense exports, and, indeed, we are given to understand that other factors, such as the quality of the product and the quality and level of support services, tend to dominate a buyer's decision whether to buy a U.S. defense product.''

In criticizing some of the continued largesse the defense industry enjoys in our federal budget, the Congressional Budget Office wrote in 1997:

''U.S. defense industries have significant advantages over their foreign competitors and thus should not need additional subsidies to attract sales. Because the U.S. defense procurement budget is nearly twice that of all Western European countries combined, U.S. industries can realize economies of scale not available to their competitors. The U.S. defense research and development budget is five times that of all Western European countries combined, which ensures that U.S. weapon systems are and will remain technologically superior to those of other suppliers.''

More recently, William D. Hartung, President's Fellow at the World Policy Institute, wrote for the Cato Institute in August, 1999, ''If the government wanted to level the playing field between the weapons industry and other sectors, it would have to reduce weapons subsidies, not increase them.'' He continued, ''Considering those massive subsidies to weapons manufacturers, granting additional tax breaks to an industry that is being so pampered by the U.S. government makes no sense.''

Indeed, Mr. Secretary, it makes no sense. But what is much more persuasive than the fiscal fairness arguments, is the eloquent plea from advocates for peace, such as Oscar Arias, the former Costa Rican president and Nobel Peace Prize winner in 1987, who wrote last summer in the New York Times:

''By selling advanced weaponry throughout the world, wealthy military contractors not only weaken national security and squeeze taxpayers at home but also strengthen dictators and human misery abroad.''

By encouraging arms sales overseas, this subsidy actually elevates the dangers abroad, thus creating more challenges to the maintenance of our own ''military superiority;''—and of course more pressure to increase the defense budget. We urge you not to increase this unnecessary subsidy and to seek ways to reduce the cost to taxpayers of subsidizing weapons manufacturers.

Sincerely,

Lloyd Doggett, Lynn Wooolsey, George Miller, Pete DeFazio, Bob Filner, Barbara Lee, Barney Frank, Jan Schakowsky, John Tierney, Tammy Baldwin, Dennis Kucinich, Cynthia McKinney, Jerrold Nadler, John Olver, Bill Luther, Major Owens, Lynn Rivers, Jesse Jackson, Jr., Tom Barrett, Edward Markey, Bernard Sanders, John Moakley, Jim McGovern, Michael Capuano, Sherrod Brown, John Conyers, Stephanie Tubbs Jones, Ted Strickland, Pete Stark, Mark Udall, David Minge, Brian Baird.

HONORING THE MEN OF C COMPANY, 1ST BATTALION 5TH MARINE REGIMENT, 1ST MARINE DIVISION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Ms. STABENOW. Mr. Speaker, today I honor the men of C Company, 1st Battalion, 5th Marine Regiment, 1st Marine Division for the combat action they valiantly fought on April 5, 1947, near the village of HsinHo in North China.

Mr. Speaker, not many Americans remember that we sent the Marines into China in the aftermath of World War II to disarm the Japanese forces there, protect them from reprisals, relieve them from their garrisons and to ensure that the large quantity of Japanese weapons cached there did not fall into communist hands. C Company was literally on the front line of this effort. The Company was attacked during the early morning of April 5th by a group of Chairman Mao's fighters who were intent on capturing the weapons cached at HsinHo and overrunning the Marines there.

With a force estimated at over 300 men, the communists hit upon a lightly guarded outpost with a defense system designed to fight off an attack until reinforcements arrived. Under heavy fire, these Marines pursued this group of communist raiders for over eight miles. As the Commandant of the Marine Corps declared in 1998, the actions of C Company, 1st Battalion, 5th Marine Regiment were indeed ''gallant deeds of brave Marines . . . and a shining example of honor and commitment.''

When the dust had settled on that little hamlet in north China, America had lost five Marines killed in action and suffered 18 wounded. Mr. Chairman, a grateful nation will remember our Marines in World War II. We need to remember and honor those who fought and died for this country. The survivors of C Company have for years attempted to get official recognition for their Company in addition to the China Service Medal, Purple Hearts and Bronze and Silver Star medals awarded individually to members of C Company. I think this recognition is long overdue. I rise today to declare that the C–1–5 China Marines are to be commended as a unit for their actions of April 5th, 1947.

WELCOME PRIME MINISTER ATAL BIHARI VAJPAYEE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. FARR of California. Mr. Speaker, it is a privilege for me to welcome today the Prime Minister of India, Atal Bihari Vajpayee, in recognition of both his leadership in the pursuit of democracy as well as his commitment to strengthening relations between the United States and India. In his visit to the United States, Prime Minister Vajpayee demonstrates his people's interest in not only strengthening, but expanding the ties between our nations.

The United States and India share common goals for the 21st Century: freedom and democracy. By working together towards these mutual goals, the U.S. and India can build strong foundations for peace and prosperity. With peace as a common interest, it is our responsibility to ensure international security and regional stability. Prime Minister Vajpayee represents a friendship that can further these goals through cooperative programs and shared visions.

Together, the United States and India represent one-fifth of the world's population and more than one-fourth of the world's economy. Therefore, the growing bond between our nations is a positive step for everyone. In particular, California's 17th District has a significant Indian population which could greatly benefit from improved relations between India and the U.S.

I commend Prime Minister Vajpayee for being the first Indian Prime Minister in six years to address a joint session of Congress and the only world leader to address the 106th Congress. Mr. Speaker, I am honored to recognize Prime Minister Vajpayee.

HONORING MICHAEL McCLIMON, DIRECTOR OF THE PACIFIC LUMBER COMPANY'S SCOTIA BAND

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize a man who has dedicated his life to serving his community through music. Today I join members of Humboldt County, California in honoring Michael McClimon and celebrating his twenty-fifth anniversary as Director of the Scotia Band.

The Scotia Band has been an active part of the Humboldt County Community for sixty-five years. Rehearsing nearly every Monday evening, each member of the band is highly dedicated to the musical service that is the band's legacy. For the last quarter century, Mr. McClimon has been the devoted leader of this band.

Long an active participant in the musical community, Mr. McClimon's role as Director of the Scotia Band began on September 17, 1975. Mr. McClimon has logged over 1,200 rehearsals as Director of the band. To deepen the members' understanding of the compositions, Mr. McClimon often shares anecdotal or historical stories about the pieces being

played or their composers. As a result, the musicians' appreciation for the music is heightened and their performances are elevated to new levels.

Mr. McClimon has led the Scotia Band in performances at a variety of community functions throughout Humboldt County in the last twenty-five years. Some of these events include the Humboldt County Fair, the Rio Dell Little League Parade, the Fortuna Bicentennial, the Ferndale Repertory Theater, high school graduation ceremonies, and memorial services for civic leaders. The band is clearly a visible presence in all aspects of social life in Humboldt County.

As Director of the Scotia Band, Mr. McClimon has maintained its tradition of excellence in musical service. He is a patient and gifted teacher while continuously holding the band members to high standards. Mr. McClimon personifies an excerpt from the 50th Anniversary celebration of the Scotia Band in 1985: ''For 50 years the Scotia Band has served Humboldt County communities. This spirit of dedicated public service enriches all those whose lives are touched. The band symbolizes the ideals and traditions that have made America great.''

Mr. Speaker, it is appropriate at this time that we recognize Michael McClimon, for he, too, symbolizes the ideals and traditions that have made America great. He deserves to be honored today, for he has tirelessly and unselfishly served the members of the Scotia Band and the citizens of Humboldt County for twenty-five years.

THE AMERICAN HOME BUYERS PROTECTION ACT, H.R. 5033

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. GONZALEZ. Mr. Speaker, on July 27, I introduced the American Home Buyers Protection Act, H.R. 5033. This bill will make much needed reforms in the practice of including mandatory arbitration clauses in homebuilding purchase contracts.

Mr. Speaker as you may know, mandatory arbitration clauses are now ubiquitous in consumer contracts. These clauses deny consumers the opportunity to go to court to seek redress for damage or harm from a product or service. Many of these clauses typically name a private arbitration service. This creates a potential conflict of interest for a private arbitrator that both must neutrally assess the merits of a case while simultaneously profiting from the continual referral of cases from a particular industry. This is a situation that I believe demands immediate redress by Congress.

Mr. Speaker, I do not believe arbitration clauses are per se bad. As a former state district judge, I took the lead in bringing alternative dispute resolution mechanisms to the civil courtrooms of my hometown of San Antonio. But, I do believe that it is wrong to insert these clauses without the knowledge and prior approval of consumers. I strongly believe that alternative dispute resolution clauses must be mutually agreed to and contain plain language descriptions of their effects. In addition, I do not believe that these clauses should be imposed on consumers as a condition precedent for entering into a commercial contract, and that the naming of arbitrator must be mutually agreed to by both parties.

The homebuilding industry in particular, I believe, has used mandatory arbitration clauses in an excessive and harmful manner. For most families, a purchase of a home is the largest single investment they will make. It is frequently the largest asset they will ever own. Mandatory arbitration agreements which allow homebuilders to avoid court analysis of their building practices has allowed numerous homebuilders to escape the consequences of shoddy workmanship and construction. I have personally seen several homes in San Antonio that were negligently and poorly constructed, inflicting serious financial harm on the families that purchased these homes.

My bill the American Home Buyers Protection Act, will make the following reforms to the mandatory arbitration process as it regards homebuilding purchase contracts:

1. It will make it illegal for homebuilders to require agreement to a mandatory arbitration agreement as a condition precedent to entering into a contract for the purchase of a new house.

2. It will require mandatory arbitration agreements to be contained on a separate document from the underlying contract and to possess the following plain language statement: ''By Agreeing to Binding Arbitration You Are Giving Up Your Right To Go To Court.''

3. It will require mandatory arbitration agreements to contain a procedure that adequately guarantees the purchaser an opportunity to participate in the selection of an arbitrator, and shall require that the selection of the arbitrator may only occur after a dispute regarding the homebuilding contract has arisen.

Mr. Speaker I believe the reforms in The American Home Buyers Protection Act are a good first step towards alleviating the abuse of alternative dispute resolution procedures by homebuilders. I believe that it is time that Congress take action now to protect American families from arbitration procedures that will deny them adequate protection of their most important purchase, their home.

HONORING THE 50TH ANNIVERSARY OF NORMAN AND ANN MALONE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. BENTSEN. Mr. Speaker, I am pleased to congratulate Mayor Norman Malone and his wife Ann Malone of La Porte, Texas, as they celebrate their 50th wedding anniversary on September 15, 2000. Throughout their lives, Norman and Ann have provided tremendous examples of public service, contributing unselfishly to numerous causes while raising a fine family.

Ann and Norman are native Texans who have an abiding love for their state and community.

Ann was only 16 years old when she met 20-year-old Navy man Norman Malone at a party in Denver Harbor, a subdivision of Houston, Texas. They were married on September 15, 1950 at Ann's Mother's house in Houston by the Presbyterian minister from her church. The young couple honeymooned in San Antonio, Texas.

Norman was born in Marlin, Texas. He served his country in the U.S. Navy for 4 years as Gunner's Mate, and graduated with a B.S. form the University of Houston in 1952. He received his Masters' in Education in 1953. He also attended San Jacinto College, University of Texas, A&M University and Prairie View A&M. While in school he was a hard-working man of many talents, earning money as a bus driver, butcher, a carpenter, a chemical operator. After school he worked 11 years at Shell Chemical. He retired after 30 years from the Pasadena Independent School system and as a Vocational Director for 17 years.

As Mayor, Norman Malone has reached out to the people of La Porte, not only through his elected office, but through grassroots community projects as well. While most people know him as ''Mayor,'' many also know him as ''Normy'' the Shriner Clown, who is very involved with the Masons.

Ann is a painter and a genealogist, who is known for being multi-talented. She has taught school in La Porte and Pasadena, Texas, and has worked as a librarian. She has owned a gift shop, dress shop, and tearoom.

The Malone family has deep roots in La Porte, having lived there now for 41 years. The Malone's contributions to the community are many. Over they years, Ann and Norman have instilled their values and generosity in their children and grandchildren. Ann and Norman raised 3 beautiful children, who all graduated from La Porte High School—daughter Georgia and sons Scott and Todd. Ann and Norman's grandchildren are: Jennifer, Jessica, Meghan, and Charlie.

Mr. Speaker, I am honored to recognize Ann and Norman Malone on the occasion of their 50th wedding anniversary and commend them on a lifetime of achievement. Their commitment not only to one another, but to others as well, is an example for all of us. May the coming years bring good health, happiness, and time to enjoy their children and grandchildren. On this joyous occasion, I am pleased to join their family, friends, and community in saying congratulations and thank you.

REPORT OF THE NORTHEAST-MIDWEST CONGRESSIONAL COALITION

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. DOYLE. Mr. Speaker, today I apprise members of the House of issues that were raised during the May 5th Northeast-Midwest Congressional Coalition field hearing I chaired in Pittsburgh. This field hearing examined the future of the U.S. Steel and the role of Technology, and was held in conjunction with the U.S. Department of Energy, Office of Industrial Technologies Steel Showcase. I, along with Representative KLINK, Representative MASCARA, and Senator SANTORUM, gathered testimony from steel company executives and their partners regarding initiatives designed to increase the competitiveness of U.S. steel makers by developing advanced technologies for steel production. For the record, I am including

an executive summary from the field hearing as part of my statement.

The panelists at the Pittsburgh Steel Showcase field hearing described the role of steel in the United States economy at the beginning of the 21st century. In compelling detail, Robert Riederer, CEO and President of Weirton Steel, fleshed out the struggle to surmount challenges to the continued viability of an industry that remains as vital today to our national security and American manufacturing as it has in the past. Paul Wilhelm of U.S. Steel spoke candidly of the need to protect the environment without adversely affecting the industry. Collectively, from the panelists' testimony emerged a vision of a bedrock industry competitive in world markets, environmentally and technically advanced, but threatened on two fronts: waves of imports dumped by countries reeling from constricted domestic markets, desperate to prop up exports, and heightened environmental standards at home. In response to this discussion, members of Congress and panelists explored the following solutions: tighter enforcement of anti-dumping provisions, close monitoring of steel scrap to ensure the purity of recycled steel, increased funding for various offices within the U.S. Department of Energy for research and development of new steel production technologies, and tax credits for investment, research, and development.

It is my hope that all House members will take time to read the full report as it contains a host of important information. And as always, I stand ready to work with my colleagues on issues in support of the steel industry.

EXECUTIVE SUMMARY

The panelists at the Congressional field hearing at the Pittsburgh steel showcase described the role of steel in the United States economy at the beginning of the 21st century. In compelling detail panelists like Robert Riederer, CEO and President of Weirton Steel, fleshed out the struggle to surmount challenges to the continued viability of an industry that remains as vital today to national security and American manufacturing as it has been in the past. Candidly Paul Wilhelm of U.S. Steel spoke of the need to protect the environment without killing the industry. From the panelists' testimony emerged a vision of a bedrock industry competitive in world markets, environmentally and technically advanced but threatened on two fronts: by waves of imports dumped by countries reeling from constricted domestic markets, desperate to prop up exports, and by ever tightening environmental standards at home. Panelists and Members of Congress explored the solutions: increased funding for U.S. Department of Energy Office of Industrial Technologies' Industries of the Future research and development of new steel production technologies, tighter enforcement of anti-dumping provisions, close monitoring of imported steel scrap to ensure the purity of recycled steel, and tax credits for investment and research and development.

HONORING REDWOOD COMMUNITY ACTION AGENCY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 20th Anniversary of Redwood Community Action Agency in Eureka, California. Since its establishment in 1980, RCAA has lead the way in serving Humboldt County's low- and moderate-income residents. The agency has developed programs to help people become more self-sufficient and to improve their own lives. Over the years tens of thousands of individuals have received assistance and in return given back to our community.

Redwood Community Action Agency has successfully competed for grant funds to create jobs, provide affordable housing, assist with housing rehabilitation and improve the environment. They have provided emergency shelter for the homeless, job training and employment readiness programs, as well as crisis intervention for Humboldt County youth and their families. Through their commitment, expertise, and diligence, they have brought over $75 million into our community over the past twenty years.

Redwood Community Action Agency is an extraordinary example of success. Through their collaboration with other organizations and governmental entities they identify human and environmental needs, work to improve current services, and seize every opportunity to serve low and moderate-income people in our region.

Mr. Speaker, it is appropriate that we honor the accomplishments of the Redwood Community Action Agency and their success in improving the lives of so many in Humboldt County, California.

IN TRIBUTE TO JACK F. PARR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. FARR of California. Mr. Speaker, I rise today to honor a man who has been described as ''The newsman other newsmen listened to''. Jack F. Parr, a long-time resident of Monterey County in California, passed away on Monday August 7, 2000, at the age of 77.

Born on August 15, 1922, Jack Parr was a veteran of World War II, where he received the Purple Heart for injuries received on D-Day. After serving his nation, he returned to the Central Coast and began working in radio. In all, he worked for three separate radio stations in Monterey County at different times-KMRL, KIDD and KNRY-ensuring that his distinctive voice and thorough reporting would be well-known and loved on the Monterey Peninsula and beyond. He could be found at any event where news was happening, and was a central figure for many people in the county. Print news and T.V. news reporters would listen to Jack's morning news report and use his leads as the agenda for news stories. Before the internet, he was the wireless wire for news. Asked how he did it, he would reply ''I get up at 4:00 A.M. and cover the nightly police reports-everything evolved from there.''

Jack Parr was ''a jolly soul who never seemed to see the depressing side of things,'' as Joe Fitzpatrick, a former local reporter, put it. His humor and voice will be sorely missed by his daughters, Jacquelyn Parr Pitcher of St. Charles, Illinois and Karen Parr of Burbank, California, as well as the radio audiences of the Central Coast.

IN SPECIAL RECOGNITION OF DEPUTY CHIEF CHARLES L. BIDWELL OF THE BRIGHTON AREA FIRE DEPARTMENT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Ms. STABENOW. Mr. Speaker, today I pay special tribute to Deputy Chief Charles L. Bidwell for his 50 years of outstanding service to the Brighton Area Fire Department. His colleagues and friends will be hosting a dinner on September 19 in recognition of his wonderful career.

Deputy Chief Bidwell has been an active, on-call firefighter with the City of Brighton Fire Department and the merged Brighton Area Fire Department since September 14, 1950. He retired from General Motors Proving Grounds in Milford, Michigan and served as Deputy Chief since 1988. Deputy Chief Bidwell was recognized by the City of Brighton Fire Department as Firefighter of the Year in 1987 and most recently, by the Michigan State Firemen's Association, as Firefighter of the Year for 2000.

Mr. Speaker, the Brighton area is very fortunate to have benefitted from the leadership, dedication, sacrifice and hard work of Deputy Chief Bidwell throughout his 50 years of service. As the leader in alarm response for the past decade, he has certainly contributed significantly to the safety and well-being of the citizens he has served. It is my honor, and indeed great pleasure, to stand in recognition of a man who has given so selflessly of his time and energy.

On behalf of the 8th district of Michigan, I would like to express my sincere appreciation for Deputy Chief Bidwell's many immeasurable contributions.

LIVIO PALLA, KERN COUNTY'S 2000 AGRICULTURIST OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. THOMAS. Mr. Speaker, I want to join my friends in the Kern County farm community in honoring Mr. Livio Palla, this year's recipient of the Agriculturist of the Year 2000.

One of the primary reasons California has been the nation's premier farm state for decades is its people. Today, many outside California are surprised to learn California is the nation's top dairy state, the nation's second largest producer of cotton and the primary source of almonds, pistachios, table grapes and other fruits and vegetables. Americans

know Californians have been innovators in trying new industries, in exporting, in creating efficient ways to use land and resources and in marketing new products. Often overlooked is a key part of the development process: the hard work and dedication of California farmers themselves. This year, Kern County agriculture honors Livio Palla because we understand how hard people have had to work to make California what it is today.

Livio Palla has spent over a half century building dairy and livestock businesses in the San Joaquin Valley. Starting with 40 cows and 120 acres, he built a family operation that now includes a family full of farmers, dairy and livestock operations and almonds, cotton, corn, alfalfa and apples. He has served on industry panels that have built infrastructure Kern County farmers have been able to use to make even more progress.

By giving recognition to the lifetime of work and achievement of Mr. Palla, the Kern County farm community recognizes how important individual efforts can be. It is an important message and one I join with many others in acknowledging by extending congratulations to Livio Palla as this year's recipient of the Kern County Agriculturist of the Year.

SPENDING FOR ARTS PROGRAMS IN SCHOOLS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. SANDERS. Mr. Speaker, I rise today to recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I am submitting these statements for the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF TOM CHICCARELLI, JOHANNES GAMBA AND JAMES GREENOUGH

REGARDING INCREASED SPENDING FOR ARTS PROGRAMS IN SCHOOLS—MAY 26, 2000

JAMES GREENOUGH: I would like to start off by saying my partners and I are very happy to be here today to present our topic. It is on art spending in schools. In experiment after experiment educators reported of high school seniors who follow instructions to perform a task, only about one-quarter wrote instructions clear enough for someone else to follow them successfully. In most instances, students left out pertinent details or key information.

Students are currently lacking in arts education. Search Institute and the asset approach giving children what they need to succeed has identified building blocks of healthy development that help young people grow up healthy, caring and responsible. Out of 100,000 6th to 12th grade youth surveyed, only 19 percent spend three or more hours per week in lessons or practicing music, theater or other arts. This is the lowest percentage of the 40 developmental assets surveyed. It reveals the absence of arts in the nation's schools and the need for improved fine arts programs.

With this in mind we recommend that the United States Government institute a fine arts framework and curriculum. The Federal Government should provide resources to schools to encourage the development of effective fine arts programs.

The arts convey knowledge and meaning not learned through the study of other subjects. They represent a form of thinking and a way of knowing that is based in human imagination and judgment. Recent statistics show of students who have taken a fine art credit for four years score 59 points higher in verbal and 44 points higher on the math sections of the SATs, significant increases.

Research also addresses examples of young people who are considered classroom failures, perhaps acting out because these students often become the high achievers in arts learning settings. Success in the arts becomes a bridge to learning and eventual success in other areas of learning.

The world of adult work has changed and the arts learning experience has shown remarkable consistency with the evolving workplace. Ideas are what matter and the ability to generate ideas. To bring ideas to life and communicate them is what matters to workplace success. Working in a classroom or a studio as an artist, the young person is learning, practicing future workplace behaviors. These quotes came from Arts Ed's Webpage. ''Art in all its distinct forms defines in many ways those qualities that are at the heart of education formed in the 1990s: Creativity, perseverance, a sense of standards, and above all striving for excellence,'' and the quote came from Richard Reilly, U.S. Secretary of Education.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF REMEMBERANCE (REMY) HENRY

REGARDING GRADUATED LICENSES—MAY 26, 2000

REMEMBERANCE HENRY: My name is Rememberance Henry. The State of Vermont has passed graduated licenses for teenagers. Last week I went to the Chelsea prom. Under this law my girlfriend would not have been allowed to ride in a car with me and I think this is discrimination against teenagers. Although teens are 8 percent of the population, they account for 15 percent of the motor vehicle accidents. This is a disturbing statistic, but I do not think legislation that will not allow your friends to ride in the car with me will bring down this number. It is underage drinking and peer pressure that cause the accidents.

We need to address this issue as a social, not a licensing problem. We do not empower our teenagers as a society. Of course some do go crazy and do stupid things when finally given a license, but they are in the minority. What about the majority of us that do not speed, do not get in accidents and do not drink and drive?

I lost friends last winter because of peer pressure while driving. The driver lost a dare to outrun a truck through a traffic light. Two of my friends died because of that accident, yet graduated licensing would not have prevented it. The teenager had stolen the car from his parents, and this number is reflected in the statistics. I think drunk driving laws for all citizens of Vermont should be restricted, not just teens.

Empower us as teens. We need more of a voice in our lives. Making good decisions behind the wheel begins by allowing us to make decisions within our communities. Teenagers should sit on school boards, we should have a voice at town meetings and should have the opportunity to practice citizenship before we hit a magic arbitrary age.

I thank you, Representative Sanders, for empowering me for these few minutes. I would like the legislative body of Vermont to rethink graduated licenses.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF CASEY HUIZENGA AND LUCAS SMITH

REGARDING SCHOOL DRESS CODE—MAY 26, 2000

LUCAS SMITH: Our topic is school dress codes and in our age legality class that we have in high school we have kind of talked about this topic quite a bit lately. We have been talking about it quite a bit; discussing it and everything. Casey and I both feel that we should not have dress codes because we just think that it is better for children to wear what they want to wear. It is kind of a statement for them to wear their clothes. They chose them, they wear them, so I think it is a good thing that we can chose our own clothes.

CASEY HUIZENGA: I agree with Lucas. It kind of tells us about the person, what they wear, it expresses how they feel. Like baggy pants, if they want to wear them, let them. And hats and stuff.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF BRYCE JAMES, WILL W. GUSAKOV AND JEREMIAH H. SPOFFORD

REGARDING MARIJUANA LEGISLATION—MAY 26, 2000

JEREMIAH SPOFFORD: I will begin. Our group is in favor of legalizing the cannabis plant in the United States, okay? We have some extensive research to back it up, but pretty much we have some main points.

Industrial hemp has an insane number of uses. It would be very beneficial for the environment to use industrial hemp. And marijuana as a drug is on an equal plane with alcohol, so we do not see why it shouldn't be under the same jurisdiction as alcohol.

WILL GUSAKOV: About industrial hemp, it is classified as having less than point three percent THC while marijuana has three to ten percent THC, so it is easily distinguishable. It produces four times as much pulp per acre as trees and it has longer fibers than cotton, so it is more easily recyclable. Trees require decades to grow while hemp matures in about a hundred days. And hemp helps the soil it is planted in, instead of cotton which leaches it. There are a lot of ecological values of hemp as an agricultural product.

BRYCE JAMES: To talk about marijuana as the drug, one of the common myths that is presented about marijuana as a drug is that marijuana is a gateway drug. People say that even if marijuana itself causes minimal harm, it is a dangerous substance because it leads to the use of harder drugs like heroine or LSD, where the fact is that marijuana does not cause people to use hard drugs. This is a spurious correlation based upon the theory that presents marijuana as being a causal explanation of statistical association with these other drugs, that it comes about by an increase and decrease in which drug is prevalent for the time.

Another myth brought about is that marijuana has no medical value where it has been proved that marijuana has been shown to be effective in reducing nausea in cancer chemotherapy, and it also stimulates hunger in AIDS patients and reduces interoccular pressure on people with glaucoma.

There is also evidence that marijuana reduces muscle spasticity in patients with neurological disorders, and it has been proven back in 1937 by the presidential administration of the time that marijuana has no physical addiction.

TRIBUTE TO CAPTAIN EDWARD J. QUIJADA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Captain Edward J. Quijada who is retiring from the United States Navy after 30 years of distinguished service. Captain Quijada. is a community leader, a patriot, a businessman and a friend.

A native of San Fernando, California, Captain QuiJada graduated from Loyola Marymount University in 1969 with a Bachelor of Business Administration and in 1980 with a MBA. His dedication to community service was evident early in his life, as he chose to work for United Community Effort, Inc., East Los Angeles immediately after graduating college. He also had a passion for service to his country and he entered Naval Officer Candidate School in Newport, Rhode Island and received his commission in November 1969. Captain Quijada served aboard the U.S.S. *Albert David* (DE–1050) as Supply Officer and was released from active duty in July of 1973.

Captain Quijada's many military accomplishments include service in several Naval Regional Contracting Center and Defense Contract Administration Services Naval Reserve units. He proved himself to be a strong leader as the Commanding Officer of both the General VTU 1904 and NRCC 419, which was selected as the top unit of 41 units at the Naval and Marine Corps Reserve Readiness Center Long Beach. Captain Quijada also held the position of Deputy/Vice Commander of NR Logistics Task Force, Commanding Officer of the AIRPAC SUPPLY 0294 at the North Island Naval Station in San Diego, and Commanding Officer of Defense Contract Management District West A919 in Irvine. Throughout his career, he received numerous military awards including two Meritorious Service Medals, a Combat Action Medal, the Vietnam Service Medal and the Joint Service Achievement Medal. He also earned the designation of a qualified Naval Aviation Supply Officer.

Once released from active duty, Captain Quijada applied his knowledge and leadership skills to the private sector. He helped manage companies including, Dataproducts Inc, Litton Data Systems and TRW, where he was Assistant Division Manager of Subcontracts and Material for sixteens years. Despite the pressures of his professional responsibilities, Captain Quijada has remained steadfast in his commitment to public service. He has served both on the Board of Directors and as President of Career Opportunities for Youth, an organization which provides scholarships to deserving students. Captain Quijada. is currently the Executive Vice-President and Chief Operating Officer of Tresierras Supermarkets.

It is my distinct pleasure to ask my colleagues to join me in saluting Captain Edward J. Quijada for his outstanding 30 years of service to this country, and to congratulate him on his retirement.

IN RECOGNITION OF EDMONDS SCHOOL DISTRICT AS ONE OF THE BEST 100 COMMUNITIES FOR MUSIC EDUCATION IN AMERICA

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. INSLEE. Mr. Speaker, it is with great pleasure that I commend the Edmonds School District for being named one of the Best 100 Communities for Music Education in America.

This phenomenal program begins with a strong commitment to music education. Music is not perceived as an extra or optional subject, but as a core piece of a child's education that develops creativity, teaches self-discipline, enhances abstract thought and adds to a well-rounded education. They embrace a philosophy that music education is a valued aspect of the school curriculum. As with any other discipline, music courses are taught during the day and have State Essential Academic Learning requirements. This district offers opportunities to all students in kindergarten through 12h grade.

Edmonds School District offers a wide range of music programs. Outside of general music education classes and choir, students have the opportunity to learn instruments, join the Concert Choir, Orchestra, Concert Band, Vocal Jazz and Instrumental Jazz Ensemble in middle school. High school students have an even greater breadth of opportunities in Concert Band, Orchestra, Choir, Vocal and Instrumental Jazz, Marching Band, Pep Band and special programs such as Theory, History of Rock and Roll, Guitar, Percussion Ensemble, Steel Drum Ensemble and even African Drumming. Edmonds School District had the largest number of participants in band, orchestra and choir of any local school district involved in the 1999-2000 High School All-State Groups.

Not only do many students get the chance to participate, but are they are recognized at state and national levels for their superior talents. Mountlake Terrace High School was one of 15 bands across the nation invited to play at the Essentially Ellington Festival at New York City's Lincoln Center. They have received top awards at the Reno Jazz Festival and Clark College Vocal and Instrumental Jazz Festivals. The combined district high school concert choirs recently performed at Seattle's new performance center, Benaroya Hall, and will entertain crowds this year at Carnegie Hall in New York. Lastly, Edmonds orchestra programs have won top honors at the Mercer Island Orchestra Festival and at the University of Idaho Festival in Moscow.

These expansive opportunities in music education and superior achievements are well deserving of this award. I commend the Edmonds music education staff for their contributions. They have been recognized as leaders in the field by frequent invitations to present at state level conferences. Mr. Speaker, I ask that this House please join me in recognizing, honoring and commending the students and staff of the Edmonds School District for being one of the Best 100 Communities for Music Education in America.

PRESCRIPTION DRUGS

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. That was five months ago. Although the House passed a prescription drug bill this summer, I believe it will not help most seniors. So, I will continue to read letters until Congress enacts a real Medicare prescription drug benefit. This week, I will read a letter from Shirley Radcliff of Gladstone, Michigan.

Together, Shirley and her husband spend $1,042.36 for their prescription drugs. With the Democratic prescription drug plan, they would save $286.32. Under the Republican plan, their costs would remain the same. In other words, the Republican plan would not help them.

Before I read Shirley's letter, let me share some information with my colleagues. In July, the Kaiser Family Foundation released a Prescription Drug Trends Chart Book that contains important findings.

In 1996, a third of the Medicare population had no drug coverage. This means that one third of those beneficiaries had there access to the prescription drugs they needed limited by their income.

Prices are rising and it is becoming increasingly more difficult for senior to pay for their medications out of their own pockets. In the past 5 years, the increase in prescription drug expenditures have been 2 to 4 times the percent changes in expenditure for most other health care services.

National spending for prescription drugs totaled $91 billion in 1998, more than double the amount spent in 1990. Prescription drug utilization is the fastest growing component of health care, increasing at double digit rates nearly every year since 1985.

It is critical that Medicare be modernized to include coverage for this important component. I strongly support the Democratic proposal that creates a voluntary, defined benefit.

Text of letter: ''Enclosed is a copy of the drugs taken and their prices that my husband and I have taken in 1999 (and are still taking in 2000).

''We are a couple on a fixed income and cannot afford these drugs that continue to escalate. Our income cannot keep up with it.

''Take note: the middle of the first page: 15 pills of Paxil are $41.99. I cannot afford that and discontinued taking them because of it.

''And, at the top of page three, a two-month supply of Daypro is $82.53. I no longer take these either, because I cannot afford them.

''Something has to be done! At your level! Someday you will be in my shoes. Pray that you are well and do not need prescription drugs. Sincerely, Shirley M. Radcliff.''

HONORING ANN BROWN AS THE LONGEST SERVING CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. GORDON. Mr. Speaker, I rise today to commend Ann Brown, the Chairman of the Consumer Product Safety Commission. She has served as Chairman for more than six and a half years, since March 10, 1994. She is by far the longest serving Chairman of the CPSC. The previous record was four years and three months.

Chairman Brown has compiled an outstanding record at the CPSC. When she came to the Agency, she found it virtually moribund, the staff dispirited, and its vital safety mission fallen far from public view. Ann Brown has revitalized the Commission by inspiring its staff and gaining wide public recognition for its safety message through the publicity she has generated for the Agency in the national media.

Chairman Brown has made the safety of children a personal priority. Through effective regulatory action, encouraging voluntary steps by companies, and creating unique public-private partnerships with industry and other governmental agencies, she has enhanced the safety of every child in America.

Shortly after becoming Chairman, she learned that the strings and cords on children's jackets were becoming caught on playground slides and school bus doors and strangling children. She promptly convened a meeting of representatives of the clothing industry and persuaded them to replace the hazardous strings and cords with snaps and Velcro. When a Commission employee developed the idea of a baby safety shower to provide gifts that would make a child's first years of life safer, Chairman Brown created a partnership with the Gerber Corporation to promote these safety showers across the nation. Working with states and local governments, she launched an annual ''recall round-up'' to get dangerous consumer products out of consumers' homes. She developed a partnership with the US Postal Service to get posters of the ''most wanted'' dangerous recalled products displayed in post offices across the nation.

In keeping with her commitment to the safety of children, Chairman Brown has given special emphasis to the prevention of Sudden Infant Death Syndrome. On her initiative, the Commission issued warnings to parents to remove soft bedding from the cribs of infants under 12 months to avoid the risk of suffocation. This year, the Commission developed a program with seven major retailers of baby bedding products to inform parents on how to keep their babies safe in their beds.

Under Ann Brown's leadership, the CPSC has been recognized for its innovative and effective programs. In 1998, CPSC won the prestigious Innovations in American Government Award for its Fast-track recall program. The award is given by the Ford Foundation, in cooperation with Harvard's Kennedy School of Government and the Council for Excellence in Government. Under Fast-track, CPSC gets defective products off store shelves more quickly, thereby reducing dangers to American consumers.

Chairman Brown has also been personally recognized for her efforts in support of consumer safety. The National Safe Kids Campaign designated her a ''Champion of Safe Kids.'' The National Association of Government Communicators has given her its award as ''Government Communicator of the Year'' and on September 20 the American Academy of Pediatrics will present her with its prestigious Excellence in Public Service Award for her contributions to children's safety.

Mr. Speaker, the nation is fortunate to have such outstanding public servants as Ann Brown. She has made the CPSC a model of effectiveness for other agencies to emulate. Accordingly, it is appropriate today that we recognize and highly commend Ann Brown as the longest serving Chairman of the Consumer Product Safety Commission.

RECOGNIZING THE 100TH ANNIVERSARY OF THE NEW REPUBLIC NEWSPAPER OF MEYERSDALE, PA

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. KLINK. Mr. Speaker, I rise today to recognize The New Republic newspaper on its 100th anniversary. I am especially proud to pay this tribute, because The New Republic is the newspaper of my hometown, Meyersdale, Pennsylvania.

In 1900, The Meyersdale Republican was founded by Samuel A. Kendall as a contribution to the local community. The newspaper was headed by several capable editors in its early years who focused coverage on local concerns like safe sidewalks. As The New Republic grew, the business was incorporated as the Meyersdale Printing and Publishing Company. Throughout its long history, has consistently provided its loyal subscribers with the local news and events that unite communities.

Growing up in the close-knit town of Meyersdale helped make me the person I am today. I am truly thankful to have grown up in an area that emphasizes the importance of families and of community spirit. It is always heartwarming to return to Meyersdale to visit with good friends and to meet new ones. I am proud to call Meyersdale my home.

Once again, I urge my colleagues to rise and recognize The New Republic and the citizens of Meyersdale on this truly momentous occasion. Their commitment to family and community spirit represent the finest qualities of Pennsylvania.

RESEARCH FOR CHILDHOOD CANCER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to emphasize the importance of research and outreach in our nation's fight against childhood cancer. Childhood cancer is the No. 1 cause of death by disease among children and adolescents; striking more children than asthma, diabetes, cystic fibrosis, and AIDS combined. Each year more than 12,000 children and teens are diagnosed with cancer and 3,000 die from the disease.

These statistics are disheartening. What is even more frightening though, is how high these statistics would be without the medical advances made in the last few years. Research plays a vital role in the fight against cancer; without it, childhood cancer would be a virtual death sentence. We can proudly say that because of medical breakthroughs, 70 percent or more of the children diagnosed today will be alive and well 5 years later.

I believe we need to continue to support cancer research so children will no longer suffer needlessly.

LITERACY INVOLVES FAMILIES TOGETHER ACT

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mrs. NORTHUP. Mr. Speaker, earlier this week, the House passed H.R. 3222, the Literacy Involves Families Together Act, otherwise known as the LIFT bill. Passage of this bill not only lifts our spirits, but it will help lift the level of excellence in our teachers, which will benefit our children.

The LIFT program makes improvements to the Even Start Program. Even Start programs work with adults without GED or high school diploma and their children to break cycles of illiteracy. It also provides parents with the skills they need to be their child's teachers and most important advocate. Simply put, the LIFT bill stresses the need for teacher professional development, the use of scientific research, and expands the program so that faith-based programs may partner with the federal government to improve literacy skills throughout our communities.

Earlier this year, Sharon Darling from the National Center for Family Literacy testified before the appropriations subcommittee about the disconnect between what we know from science about how children learn to read and what teachers practice. Many teachers have admitted their frustration about not being equipped with the latest information—they want training and additional professional development. That is why LIFT is so important. It allows states to use federal money to provide training and technical assistance to instructors in Even Start and other programs with a focus on family literacy. In addition to providing instruction, LIFT requires the use of instructional reading programs which are based on scientifically-based research. Thanks to our investments in the National Institutes of Health, we know how we can best teach children to read. This is especially important for children with learning disabilities.

Understanding that children are not the only ones with learning difficulties, the LIFT bill funds research to find the most effective ways to improve literacy among adults with reading difficulties. We know that family literacy is a key component to our children being successful. The Even Start program has helped parents obtain their high school equivalency certificate. By understanding the importance of

furthering their own education, parents are more inclined to become more involved in their child's education. The LIFT bill builds on the success of the Even Start program, improves the quality of the program, and holds states accountable for the progress of local literacy programs.

This Congress is fortunate to have members like Congressman BILL GOODLING to shepherd this bill to the floor. Bill has worked diligently to improve the quality of education programs, whether it is improving elementary school programs, helping disabled children, or working on adult education programs. Since my time in Congress, BILL and I have worked closely together to stress the importance of scientifically based reading research and to get that information in the hands of teachers and parents. He is a fine leader on education and we will miss him when he retires after this year. With the LIFT bill, our families can lift themselves up and achieve their dreams.

ENSURE EQUAL WAGES AND DUE PROCESS FOR DAY LABORERS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. GUTIERREZ. Mr. Speaker, today I am introducing the ''Day Laborer Fairness and Protection Act,'' a bill to ensure equal wages and due process for day laborers. Twenty-five representatives have joined me as original cosponsors of this important legislation.

Day laborers are individuals who are hired by agencies to work on a day-to-day basis for employers who pay for the services of temporary laborers. Day labor is not of a clerical or professional nature. Most day laborers perform construction, warehouse, restaurant, janitorial, landscaping or light industrial work—usually for the minimum wage.

In the absence of federal guidelines, day laborers are often subjected to long, unpaid wait-periods before being assigned to a job. Commonly, these workers also face dangerous working conditions and are paid lower wages than full-time workers performing the same or similar jobs. Further, day laborers are frequently charged high (often undisclosed) fees for on-the-job meals, transportation to and from job sites and special attire and safety equipment necessary for jobs.

Partially due to these unfair labor conditions, many day laborers are caught in a cycle of poverty. A recent study by the University of Illinois Center for Urban Economic Development found that 65 percent of 510 surveyed day laborers receive $5.15 per hour. Taking into consideration the number of hours spent waiting to be assigned to work (of-ten between 1.5 and three hours), the real value per hour of work is reduced to less than about four dollars per hour. This low figure does not reflect transportation and food and equipment fees, which are often deducted from day laborers' wages.

To address these problems, this Act includes the following definitions and requirements:

Day laborer is defined as an individual who contracts for employment with a day labor service agency.

Day labor service agency is defined as any person or entity engaged in the business of employing day laborers to provide services for any third party employer.

Day laborer wages that are equal to those paid to permanent employees who are performing substantially equivalent work, with consideration given to seniority, experience, skills & qualifications.

Wages for job assignment wait-times lasting more than thirty minutes. Such wages shall be at a rate that is not less than federal or state minimum wages.

Itemized statements showing deductions made from day laborers' wages.

When a day laborer is hurt on the job, coverage of health care costs by the employer who has requested the services of the day laborer.

Enforcement of the ''Day Laborer Fairness and Protection Act'' by the U.S. Department of Labor.

A SPECIAL TRIBUTE TO BOY SCOUT TROOP 224 OF OTTAWA, OHIO ON THE DEDICATION OF ITS NEW BOY SCOUT HOUSE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. GILLMOR. Mr. Speaker, I rise with great pleasure today to pay special tribute to a truly outstanding organization from Ohio's Fifth Congressional District. This Sunday, September 17, Boy Scout Troop 224 of Ottawa, Ohio will celebrate an historic and remarkable event. They dedicate the new Boy Scout House, which will serve as the new headquarters for Troop 224.

Boy Scouting in Ottawa, Ohio has a long and rich tradition. Sponsored by the Ottawa Kiwanis Club for some sixty-eight years, Boy Scout Troop 224 and Cub Scout Pack 224 have become staples of the community and have served the area with great pride and distinction. Currently, there are 89 Boy Scouts in Troop 224 and 150 Cub Scouts. These fine young men are part of the family of more than 900 boys who have participated in Scouting in Ottawa.

Known not only as the largest Boy Scout Troop in the Black Swamp area, Troop 224 has turned out 109 Eagle Scouts over the years. In fact, three Boy Scouts from Troop 224 have achieved the National Court of Honor Award for Lifesaving. Troop 224 undertakes a myriad community service projects including the Scouting for Food campaign, landscaping projects for the village of Ottawa and local churches and schools, safety programs, and nature activities.

Now, Boy Scout Troop 224 prepares for one of its biggest celebrations—the opening of its new Boy Scout House. The new facility will replace the current home, which was built in the mid 1930's and has served Troop 224, for decades. The old facility, once shared by the Boy Scouts and Girl Scouts, will give way to the new 2,400 square foot facility. The new home for Troop 224 includes several separate rooms, storage space for supplies and equipment, and space for Troop and Pack meetings, Blue and Gold banquets, and Courts of Honor.

Mr. Speaker, Boy Scouting is truly one of America's longest-standing traditions. It instills in our young people the values of hard work, honesty, discipline, safety, honor, and much more. Clearly, Boy Scout Troop 224 has worked diligently toward the new Boy Scout House and each member should be very proud of the facility and all that they have achieved. I congratulate Troop 224 on the occasion of their new home and challenge the Troop to continue to strive for excellence in Scouting and in the community. Mr. Speaker, I ask my colleagues to stand and join me in celebrating the dedication of the new Boy Scout Home for Boy Scout Troop 224 of Ottawa. We wish them the very best now and in the future.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE HERBERT H. BATEMAN, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

SPEECH OF

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BILIRAKIS. Mr. Speaker, Evelyn and I wish to offer our condolences to Mrs. Laura Bateman and the entire Bateman family on the passing of our colleague and friend, Congressman Herbert Bateman.

It is appropriate that Congressman Bateman represented the historical First District, because he was not only an exemplary representative on behalf of his constituents, but a leader who has served both his colleagues in the Congress and the American people with great distinction. Herb and I were freshmen congressmen in the class of 1983. It is a testament to Congressman Bateman's longevity, and the bipartisan respect he was able to garner, that he served so effectively in this body for eighteen years.

Herb Bateman was an integral part of the restoration of America's armed forces after years of decline. His commitment to the military began with his service in the United States Air Force during the Korean War. As a member of the House Armed Services Committee, and later, as Chairman of the Subcommittee on Military readiness, his efforts were key to restoring the ability of our men and women in uniform to perform their duty and reestablish their position as the preeminent military force in the world today. I was able to see Herb's commitment to the military first hand as we traveled together to meet with our men and women in uniform serving with NATO as they defended freedom and democracy in Europe. His commitment and concern for the young people in the armed forces was unparalleled, and it was clearly visible to anyone who spoke with him.

His distinguished record was not limited to a focus on the military. Congressman Bateman's support of NASA and the United States' commitment to space helped advance and ensure our leadership in science and technology. His commitment to the environment led to the cleanup of the Chesapeake Bay, allowing its beauty to be preserved for the enjoyment of future generations. And these are but a few of his legislative achievements.

On a personal note, I had the pleasure of spending time with Herb and his wife Laura

during the Republican Convention in August. Evelyn and I enjoyed the time we spent with them, and as grandparents ourselves, we could tell that they were looking forward to his impending retirement in order to spend more time with their two children, Laura Margaret and Herbert Jr., Herbert Jr.'s wife Mary, and their three grandchildren Emmy, Hank, and Sam.

The American people were the beneficiaries of Congressman Bateman's lifetime of public service, a commitment that spanned five decades. He was a great statesman, and I will miss him personally, this nation will miss his leadership. However, his legacy lives on in everything from the U.S. space program to our military, as well as many other achievements too numerous to name. The fruits of his labor will continue to benefit generations of Americans to come, and they will honor his memory.

CALIFORNIA'S SESQUICENTENNIAL

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Ms. WATERS. Mr. Speaker, I rise today to congratulate the State of California on the occasion of California's Sesquicentennial—the 150th Anniversary of California's Statehood. California is home to a diverse and resourceful people with a rich and colorful history. I represent the 35th District of California, a district which includes residents of African-American, Latino, Asian, Native American and European descent. My district is as rich in diversity and resourcefulness as the great State of California itself.

The 35th District of California includes several communities in South Central Los Angeles as well as the cities of Inglewood, Gardena and Hawthorne. South Central Los Angeles is a community of resourceful people and small businesses. Gardena is a racially diverse and economically vibrant city. Hawthorne is a center of technology and a home to the aerospace industry. Inglewood is at the center of a growing Los Angeles region close to Los Angeles International Airport. Its predominantly black and Latino students are known for educational achievement and academic excellence. It is also home to the Los Angeles Forum sports arena. All the cities in the 35th district are home to hard-working, creative, energetic and resourceful people and numerous successful small businesses.

Mr. Speaker, the people of 35th District of California are dedicated to economic and educational development, and they are proud of their history and their heritage. I look forward to continuing to represent them as they look forward to the next 150 years of history as residents of the great State of California.

TRIBUTE TO MR. ROBERT L. DOYLE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor one of the pioneers of the City of Roseville, in my district in California, Mr. Robert L. Doyle. After a lifetime of dedication and service, my good friend Bob Doyle passed away on August 21 at 8:47 p.m. He was 81 years old.

From the time he was born in his family's home in 1919 until his death, Bob was a fixture in Roseville. After graduating from Roseville High School in 1937, he went to work on the family farm where he expected to remain for the rest of his life. However, in 1953, he reached a turning point in his career. His father, who along with a group of other local farmers had formed the Roseville Telephone Company 26 years earlier, asked him to take over the struggling business.

What started out as a temporary stint to set Roseville Telephone on the right course turned into a lifetime of building both the company and the community. In 1953, Roseville Telephone was a company serving 3,777 customers, employing 47 workers, with revenues of $210,000. It is now a highly successful, expanding business with annual revenue above $140 million and more than 700 employees. In 1995, the Roseville Communications Company was formed, becoming the parent company of Roseville Telephone and other subsidiaries. Bob Doyle acted as president of the Roseville Telephone Company until retiring from that post in 1993. He did, however, remain as Roseville Communications' chairman of the board of directors until retiring just one day before his death.

Besides his own hard work and determination, Bob Doyle's management success was due in part to his talent for hiring good people and allowing them to do their job. He made his employees and shareholders feel like they had a personal stake in Roseville Telephone. He also made people feel that way about the Roseville community at large. In addition to his leadership at the company, Bob Doyle was involved in numerous civic and professional organizations. Among the local clubs he belonged to were the Roseville Masonic Lodge No. 222, Scottish Rite Bodies of Sacramento, Shriners, Loyal Order of the Moose Lodge, and the Elks Lodge. He also served as president of the Roseville Chamber of Commerce.

Outside of Roseville, Bob Doyle was also recognized for his leadership in the telecommunications industry. He was involved with the Independent Telephone Pioneers Association and served as president of the California Telephone Association of Sacramento.

It is also important for me to recognize that Bob's career of service included time in the U.S. Army Medical Division during World War II.

On a personal note, I had the opportunity to work with him closely to address two of the Sacramento region's most vital needs—improved flood control and an increased water supply. Over the years, as we worked to advocate the construction of the Auburn Dam, I developed an even greater admiration and respect for Bob. Robert Doyle was not only a community leader, but he was also a great friend.

He is survived by his wife, Carmen, three children and five grandchildren. While we join his family and friends in mourning his passing, we also celebrate his life and cherish our associations with him. He clearly left his mark on all of us. Roseville, which was once a sleepy railroad town, is now a vibrant, well-planned community with award-winning parks, law enforcement, and city management. Its railroad past blends with its newer high-tech industry and thriving retail centers. Its residential areas include dynamic new developments as well as historic neighborhoods. In short, Roseville has experienced many great changes and Robert Doyle seemed to be at the heart of them all. He will be sorely missed.

May you rest in peace, Bob.

INTRODUCING THE SMALL BUSINESS LIABILITY RELIEF ACT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. OXLEY. Mr. Speaker, today I am introducing, along with a bipartisan group of original cosponsors, the Small Business Liability Relief Act to provide long overdue liability protection to individuals, families and small business owners who are innocent parties that have been wrongly and unfairly trapped in the litigation nightmare of the Superfund program for two decades. Superfund badly needs to be reformed to provide liability relief for innocent parties.

Today, I am saying enough is enough. It is time to provide relief to Barbara Williams, the former owner of Sunny Ray Resturant in Gettsyburg, Pennsylvania and to Greg Shierling, the owner of two McDonald's Restaurants in Quincy, Illinois, as well as thousands of others just like them whose only ''crime'' as small business owners was sending ordinary garbage to the local dump.

This bill only provides relief to innocent small businesses who never should have been brought into Superfund in the first place. First, it provides liability protection to small businesses who disposed of very small amounts of (110 gallons or 200 pounds) of waste. Second, it provides relief for small businesses who dispose of ordinary garbage. Third, it provides shelter from costly litigation for small businesses who dispose of de minimis amounts of waste and who otherwise face serious financial hardship.

It is my strong belief that we can pass this bill with overwhelming bipartisan support so that countless others can be spared the litigation nightmare that has already hit so many of America's small businesses.

CONCERNING THE BOY SCOUTS OF AMERICA

SPEECH OF

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. SANFORD. Mr. Speaker, on Tuesday, I voted against H.R. 4892, the bill to repeal the Boy Scouts of America Charter. I have a personal stake in this debate. As a boy, I benefited from everything the Scouts had to offer. While I worked my way towards earning the rank of Eagle, I learned the lessons of leadership, trustworthiness, loyalty, and more. Additionally, the memories I have, of sharing my interest in the outdoors with other boys my age will be with me for the rest of my life.

I opposed this bill for two reasons. Number one, I do not believe it is right to single out an individual group in legislative remedies. If change in any area of law occurs it should apply to all affected, not as, in this case, with only the Boy Scouts. It does not make sense to repeal the Scouts' charter and leave in place charters for groups such as the Society of American Florists and Ornamental Horticulturists, National Ski Patrol System, Aviation Hall of Fame, or any of the roughly 90 other groups who hold charters.

If Ms. WOOLSEY'S bill repealed all federal charters, it might represent a legitimate debate, unfortunately, this bill has a more narrow scope. According to a report published by the Library of Congress, the chartering by Congress, of organizations is essentially a 20th century practice and does not assign the group any governmental attributes. The report continues by stating, that the attraction of charter status for national organizations is that it tends to provide an ''official'' imprimatur to their activities. With these facts in mind, in 1989, the House Judiciary Committee decided to impose a moratorium on granting new charters.

However, the bill does not address this point, instead it focuses solely on the Boy Scouts. The intend of the bill is to pressure the Boy Scouts to change their practices, which brings me to my second point.

The First Amendment provides all American's the right of association. Whether a group preaches race-based hatred or the teachings of Christianity, their right to gather together has continually been protected by our nation's courts. In fact the courts have already ruled on the practices of the Boy Scouts. State courts in California, Connecticut, Oregon, Kansas, and the U.5. Court of Appeals for the Seventh Circuit have ruled in the Boy Scouts favor.

On June 28, 2000, the Supreme Court affirmed the Constitutionally protected right of the Boy Scouts to set its own standards for membership and leadership. In his ruling Chief Justice Rehnquist stated, though alternative lifestyles are becoming more socially acceptable, ''this is scarcely an argument for denying First Amendment protection to those who refuse to accept these views,'' he continued. ''The First Amendment protects expression, be it of the popular variety or not.'' This decision, once again, reaffirms the Boy Scout's First Amendment rights.

This bill attempts to circumvent the courts ruling by forcing the Boy Scouts to change their practices or else lose their charter. Upon reflection, I have come to agree with Chief Justice Rehnquist and the Supreme Court's, ruling, it should not be the federal government's role to alter the Boy Scout's values. More significantly, the, Boy Scout case is ultimately about something much bigger than scouting, it was a decision of whether or not our Constitutional right of association should remain intact. Passing this bill would have had just the opposite effect and for this reason, I voted against the bill.

ESTUARY RESTORATION ACT OF 2000

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of H.R. 1775, the Estuary Restoration Act. This important piece of legislation provides a strong framework and strategy for protecting, maintaining and strengthening the nation's estuaries.

Estuaries are essential and fragile ecosystems that deserve a comprehensive plan to ensure their long-term viability. They are home to thousands of species of aquatic plant and animal life. They are also some of the most productive commercial fisheries in the world. And, millions of Americans flock to estuarine areas for vacations and recreation.

The legislation we are considering today gives us another tool to use for estuary preservation and restoration. This bill streamlines financing for estuary projects and integrates existing federal and non-federal programs. The bill also gives priority to those estuaries currently part of a management plan or pollution mitigation plan. This is so important that my colleague, ROSA DELAURO, and I introduced H.R. 1096, to provide special funding to States for implementation of national estuary conservation and management plans. I hope that with the passage of this legislation we can continue to provide the funding necessary to truly safeguard these essential natural resources.

Unfortunately, I can also tell you, from recent experience, about the tenuous nature of estuaries. Many of my constituents live near and fish from Long Island Sound. The Sound, until recently, was the third largest lobster fishery in the United States, behind Maine and Massachusetts. But the last two seasons have been a disaster for the Long Island Sound fishery. All of the lobsters in Long Island Sound have died. Lobster harvesters are finding their traps empty and their lives thrown into turmoil. The cause of this die-off is being studied and investigated, and it reinforces the need for greater protection of the nation's estuary habitats.

I am a proud cosponsor of this legislation and I urge my colleagues to support it.

BILL TO COMPENSATE POISONED NUCLEAR WORKERS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing another bill dealing with the pressing matter of providing compensation and care for current and former nuclear-weapons workers made sick as a result of their on-job exposure to radiation, beryllium, and other dangers. Let me explain why I am doing so at this time.

Earlier this year, I joined in supporting the Whitfield amendment to the Defense Authorization bill for fiscal year 2001. That amendment, which was adopted by the House, clearly stated that Congress needs to act this year to make good on the promise of a fairer deal for these people who helped America win the Cold War.

This is a very important matter for our country. It's particularly important for many Coloradans because our state is home to the Rocky Flats site, which for decades was a key part of the nuclear weapons complex. Now the site's old military mission has ended, and we are working hard to have Rocky Flats cleaned up and closed. But while we work to take care of the site, we need to work just as hard to take care of the people who worked there.

The people who worked at Rocky Flats and the other nuclear weapons sites were part of our country's defense just as much as those who wore the uniform of an armed service. They may not have been exposed to hostile fire, but they were exposed to radiation and beryllium and other very hazardous substances—and because of that some have developed serious illnesses while others will develop such illnesses in the future. Unfortunately, they haven't been eligible for veterans' benefits and have been excluded from other federal programs because they technically worked for DOE's contractors—and for far too long the government was not on their side. That has changed, I'm glad to say—the Department of Energy has reversed its decades-old policy of opposing workers claims.

I strongly supported that amendment because, as Len Ackland, writing in the Denver Post, has correctly said, ''The shape of such legislation will determine whether or not this nation, through its political leadership, will finally accept responsibility for the physical harm to thousands of the 600,000 workers recruited to fight the cold war by producing nuclear weapons.''

So I was encouraged when the House adopted that amendment and went on record as saying that now is the time for the Congress to accept that responsibility. Adoption of the amendment signaled that the House recognized this to be a matter of high priority and that it was important for Congress to pass legislation this year to create an efficient, uniform, and adequate system of compensation for these civilian veterans of the cold war.

But that amendment was only a very modest first step. Since its adoption, both the House and Senate have completed initial action on the defense authorization bill—and the bill as passed by the Senate includes a separate title, Title 35, that would set up a compensation system for these workers who played such a vital role in winning the Cold War. That title, and the other differences between the House and Senate versions of the defense authorization bill, are now being considered by a conference committee.

I am sure that this Senate-passed legislation could be further refined. But we are rapidly nearing the end of this Congress, and time is of the essence. That is why, along with more than 100 of our colleagues, I have strongly urged the House's conferees to agree to this part of the Senate bill. I remain convinced that having the Senate-passed legislation included in the conference report on the defense authorization bill would be the very best way to take the essential first step toward the vital goal of doing justice to these workers.

However, some questions have been raised about the details of that Senate-passed legislation—and, next week, there will be a Subcommittee hearing in the Judiciary Committee

to examine the pending House legislation dealing with this subject. There already are a number of pending House bills. Most notably, there is H.R. 4398, introduced by our colleague from Kentucky, Mr. Whitfield. I am a cosponsor of that bill and I think it would be highly desirable for that bill to be signed into law.

However, until now the Senate-passed legislation technically has not been pending before the Judiciary Committee because it was passed as an amendment to the defense authorization bill rather than as a free-standing measure.

So, along with a number of other Members who are joining as cosponsors, I today am introducing a bill that combines elements of the Whitfield amendment to the defense authorization bill—namely, the findings spelling out the background and the need for legislation—and the substantive provisions of Title 35 of the Senate amendment to that same defense authorization bill.

I am doing this so that the Judiciary Committee will have the fullest possible opportunity to consider these provisions at next week's hearing. My hope is that as a result the Judiciary Committee members who are also conferees on the defense authorization bill will join the other House conferees in agreeing to inclusion of these provisions in the conference report. I think that will provide the best opportunity to achieve enactment this year of an essential first step toward providing a long-overdue measure of justice. I know that more will remain to be done, but it will lay a good foundation on which to build in the near future—something that I hope to be able to do beginning next year.

DIGEST OF PROVISIONS OF BILL

Title: Energy Employees Occupational Illness Compensation Act of 2000 (based on Title 35, Senate Defense Authorization Act, FY 2001).

Background: After decades of denials, the Administration has conceded that workers who helped make nuclear weapons were exposed to radiation and chemicals that caused cancer and early death. Secretary of Energy Bill Richardson is leading the Administration's efforts to pass as comprehensive a bill as possible in this Congress. The Administration offered a preliminary bill in November 1999 (HR 3418) through Representative Paul Kanjorski. After releasing a National Economic Council Report in April 2000 which outlined the science and policy reasons for implementing a federal workers comp system for nuclear weapons workers, Representative Whitfield, and many cosponsors, introduced HR 4398, a comprehensive bill which covers radiation, beryllium silica, hazardous chemicals and heavy metals.

New Bill/Senate Amendment: The Udall of Colorado bill incorporates the provisions of the Energy Employees Occupational Illness Compensation Act of 2000, which was adopted on the Senate floor as an amendment to the Defense Authorization Act for fiscal year 2001. It provides for payment by the Federal government of lost wages and/or medical costs for employees who died or whose health was damaged by exposure to beryllium, radiation or silica while working for the defense of the United States through defense nuclear programs of the Department of Energy (DOE) and its predecessor agencies. These health hazards were special to DOE and to nuclear weapons, which require both beryllium-containing components and radioactive materials and drilling of tunnels under the Nevada Test Site.

The compensation in this bill is modeled on the coverage federal employees can receive in the Federal Employees Compensation Act. Compensation decisions are to be based on science and expert judgment, and dose information is to be used where it is known or can be estimated. As with FECA, compensation under this bill would be mandatory spending and benefits are tax exempt. CBO has scored Title 35 of the Senate's Defense Authorization bill at $2.3 billion over 5 years and $3.7 billion over 10 years.

Three federal agencies would be involved in the program. The Department of Labor, which already administers FECA, would handle the administrative processing of claims, appeals, and payments. The Department of Health and Human Services (HHS), which currently oversees radiation and beryllium health effects research at DOE sites, would oversee the scientific decisions that must be made. The DOE, which has the detailed information on and access to workers, is to play an advocacy role in informing workers of the programs and facilitating information flow to the Department of Labor.

Hazards and Coverage: *Beryllium:* Beryllium is a non-radioactive metal that can cause an allergic reaction that ,severely scars the lungs. Beryllium lung damage has unique characteristics and can be traced specifically to beryllium exposure. The first sign of the allergic reaction is beryllium sensitivity, which sometimes progresses to chronic beryllium disease. Beryllium sensitivity must be medically monitored, but is not disabling. Chronic beryllium disease can disable or kill. Under Title 35 and this bill:

Workers who can show beryllium sensitivity (or who have chronic beryllium disease but are not disabled) would be eligible to have the medical costs of monitoring their condition paid by the Federal government.

Workers who contract chronic beryllium disease and who die or are disabled could also receive lost wage benefits, in addition to medical costs.

Radiation: Radiation in high doses has been linked to elevated rates of some types of cancer. Unlike beryllium illness, it is not possible to look at a tumor and know for sure that radiation in the workplace caused it. Scientists have determined the doses at which certain cancers in workers in certain age groups can be confidently be said to be radiation caused. These data on radiation dose and cancer form the basis in the bill for compensating workers who have adequate dose records, as follows.

Workers who have a specified radiogenic cancer that is determined to be work-related under HHS guidelines, but who are not disabled, could have their medical costs of their cancer treatment paid by the Federal government.

Workers who have a work related cancer, as established under the HHS guidelines, and who are disabled or dead, could also receive lost wage benefits, in addition to medical costs.

Silicosis: Miners at the Nevada Test site drilled underground tunnels through hard rock for the placement of nuclear weapons devices that were subsequently tested. DOE failed to adequately control exposure to silica dust and 20 percent of the workers screened by a DOE medical screening program at the Nevada Test Site have found silicosis, a disease that causes irreparable scarring of the lungs.

Workers with Non-Existent Radiation Records. Many worker dose records in DOE are flawed, but this amendment requires HHS to estimate dose, where records exist and it is feasible to do so. In some cases, though, it is not feasible to reconstruct what radiation dose a group of workers received, even though it is clear from their job types that their health may have been endangered by radiation. For these special exposure situations, the bill provides that workers can be placed by the HHS into a ''special exposure cohort'' that can be compensated for certain types of cancer enumerated in the amendment. Members of the ''special exposure cohort'' are eligible for the same compensation as workers in the previous section. Because of the unmeasured, probably large, internal radiation doses which they received, and the lack of monitoring, protection, or even warning given by DOE to them, certain employees at the DOE gaseous diffusion plants are placed in the ''special exposure cohort'' by law under the bill. It was the public outcry over the deliberate deception of these employees by the DOE and its contractors concerning workplace radiation risks that led the Administration to propose the bill on which Title 35 and this bill are patterned.

Lump Sum Payment Option. All of the above classes of workers, if they are disabled, and their survivors, if the workers die before being compensated, would be able to choose a one-time $200,000 lump plus medical benefits in lieu of lost wages and ongoing medical benefits described above. This option is intended mostly for elderly, retired workers, or for survivors of deceased workers.

Administrative Provisions. There are provisions in the bill against receiving lost wages or lump sum payments for more than one disability or cause of death. Benefits under other Federal or state worker compensation statutes for the same disability or death would be deducted from any benefits under the bill. Title 35 and the bill also contain language making payment under the amendment the exclusive remedy for all liability by DOE and its contractors. For vendors, acceptance of payment under this program would waive the right to sue, but employees who seek court relief would have to file within 180 days of the onset of a beryllium or radiation related disease.

Other Toxic Substances: The bill does not provide federal compensation for health effects from exposure to other toxic substances in the DOE workplace, but does authorize DOE to work with States to get workers with these health effects into State worker compensation programs. DOE will maintain an office to review claims and advise contractors not challenge claims deemed meritorious by DOE.

THE INTRODUCTION OF LEGISLATION TO CREATE AN ADMINISTRATIVE LAW JUDGE CONFERENCE OF THE UNITED STATES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. GEKAS. Mr. Speaker, I am today introducing legislation to establish the Administrative Law Conference of the United States.

America's administrative law judges occupy an important place in American government, adjudicating federal agency decisions that affect nearly every American. Administrative Law judges conduct formal proceedings, interpret federal and state law, apply agency regulations, and ensure the fair implementation of a broad range of federal agency policies. Since passage of the Administrative Procedure Act, the importance of administrative law judges and their impact on everyday life has

steadily grown in conjunction with the increased scope and significance of modern regulation.

Today, administrative law judges annually handle thousands of cases with economy, dispatch and uncommon professionalism. The creation of an Administrative Law Judge Conference will bring further economy and efficiency to the administrative legal process. It will do so by enhancing the judicial performance, status and legal training of administrative law judges by establishing recurrent education programs that will sharpen the legal focus of administrative law judges while enhancing understanding of broader administrative adjudicatory trends. The Conference will not be the sole repository of this knowledge, however. Rather, the bill requires the Conference to annually submit its findings to Congress, where representatives of the American people can review the findings of the Conference and formulate policy to ensure the optimal function of the administrative legal process.

The creation of an Administrative Law Judge Conference will bring an increased measure of uniformity and efficiency to federal agency adjudication, enhance the status and performance of administrative law judges, and promote public confidence in the administrative legal process.

I urge your support of the bill.

40TH ANNIVERSARY OF REAL ESTATE INVESTMENT TRUSTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, 40 years ago today President Dwight D. Eisenhower signed legislation into law that established real estate investment trusts, also known as REITs.

A REIT is a company dedicated to owning and, typically, operating income-producing real estate such as apartments, shopping centers, offices and warehouses. The key feature of a REIT is the requirement that it pass 95 percent of its taxable income to its shareholders every year, which also means that it needs to grow primarily by raising investment funds in the capital markets.

Congress established REITs in 1960 to make it easier for small investors to invest in commercial properties, much like mutual funds allow small investors to pool funds. And as hoped, REITS have every reason to be proud of their record of professional management, and their history of bringing liquidity, security, and performance to average investors in commercial real estate. REITs currently hold about $325 billion of assets, and this year have averaged a total return of 22.5 percent and averaged a dividend yield of 7.3 percent.

While REITs have played an important role in American economic life since 1960, they have truly come into their own since passage of the 1986 Tax Reform Act which removed most of the tax-sheltering capability of real estate and emphasized income producing transactions, and allowed REITs to operate and manage real estate as well as own it. This merged owner interests with the interests of other significant parties, leading to greater confidence in this form of investment. The adoption of the REIT Modernization Act by this Congress, a bill I cosponsored and worked for, will continue the trend toward allowing REITs to remain competitive and flexible in today's marketplace.

In closing, Mr. Speaker, I wish to congratulate the REIT industry on their 40 years of leadership in the economic marketplace, and their national association for their effective leadership on federal and state issues important to the industry. I look forward to continuing to work with them on issues of importance to REIT investors.

CONGRATULATING THE WATKINS MILL HIGH SCHOOL BOOSTER CLUB

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mrs. MORELLA. Mr. Speaker, today I honor and congratulate the students, parents, and faculty of Watkins Mill High School. I would like to especially acknowledge The Watkins Mill Booster Club, a group of devoted parents and community members who have formed a partnership to support and enrich all extracurricular activities at the school. Their generous efforts benefit the school's athletics, academic programs, performing arts, and other activities.

The teachers and students at Watkins Mill are dedicated to excellence and committed to success. As Chair of the House Technology Subcommittee, I am especially proud of the medical careers magnet program at Watkins Mill High School. This education program has been recognized nationally for its integration of high technology in the classroom. In addition, the athletics programs at Watkins Mill benefit from the work of the Booster Club, including the division champion girls soccer team, the unbeaten girls volleyball team, and the Maryland State 4A Champion baseball team.

This weekend, the Watkins Mill Booster Club is sponsoring a fundraiser which features the hilarious entertainment of The Capitol Steps, the nationally recognized musical political satire troupe. As the performers say, they are the ''only group in America that attempts to be funnier than Congress.'' This Watkins Mill High School fundraising performance will be the only appearance by the Capitol Steps in Montgomery County, Maryland this year. I congratulate Booster Club member Heath Suddleson for arranging this event.

As a former educator, I am proud to recognize Watkins Mill High School for its extraordinary educational and extracurricular programs. I congratulate the school's students, faculty, supportive parents, dedicated administrators, and the Booster Club. In addition, I thank Principal MaryAnn Jobe, Booster Club President Paul Chewning, and Vice President Marge Goergen for their commitment. I wish Watkins Mill High School continued success in achieving excellence in education.

CONGRATULATING THE PEOPLE OF THE REPUBLIC OF CHINA ON THEIR NATIONAL DAY, OCTOBER 10, 2000

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. UNDERWOOD. Mr. Speaker, as we may recall, the island of Taiwan was hit by a devastating earthquake last year on September 21. Thousands lost their lives and damage costs ran into the hundreds of millions. In what was already becoming troubling economic times, that prospering island nation was nearly brought to its knees. We who are Taiwan's regional neighbors know that, prior to the earthquake, the people of Taiwan were getting ready to celebrate their most important public holiday on October 10th affectionately known as ''10–10,'' Taiwan's National Day is celebrated with the same sense of loyalty and patriotism, the same sense of pride, and with the same gusto as we celebrate our most important public holiday, the Fourth of July. Imagine then how pained, how joyless and how sad the people of Taiwan must have been to find themselves in the midst of overwhelming tragedy instead of joyous celebration.

A year has passed, and like the rest of the world, the Republic of China has stepped into the 21st century. Their recovery from the earthquake has been slow and steady, and some signs of the devastation still remain. Reconstruction and rebuilding of their economy is progressing so that now they can mark the anniversary of earthquake with solemnity and yet prepare to celebrate ''10–10'' with renewed hope and with renewed confidence in themselves.

We in Guam know all too well how important ''10–10'' is to the people of Taiwan, because the Taiwan Chinese community of Guam has always been generous in their celebrations, inviting our participation and sharing all the good things that make us brothers, sisters and cousins of the Pacific. Their contributions to Guam are immense, yet they remain humble and hardworking, and they go about their lives quietly helping to build our economy, enhancing our pool of professional skill and talent, and enriching our island community. We, who are no strangers to natural disasters, mourned with the people of Taiwan last year. This year, we, who know what it is like to reject defeat and to work hard toward full recovery, look forward with them to a joyful celebration.

Mr. Speaker, this October 10th the Republic of China will celebrate its 89th anniversary as a free and prosperous democracy. I think the earthquake in Taiwan pointed out the real success story that is Taiwan—that their relationships with people throughout the world are so good that so many came to their aid. Nothing is as serious a sign of our common humanity than when we are most vulnerable, and certainly times of natural disaster point that out. And I think it is very important that we continue to express our support for Taiwan.

At its essence, ''10–10'' is a celebration of the amazing successes people can achieve when they are free to exercise their rights, when they can aspire to greater things, when they can pursue what they desire for themselves, their families and their nation, when

they refuse to be defeated. The Republic of China's continuing triumph is an inspiration to all freedom-loving people around the world. For this, we thank them. On this year's commemoration of ''10–10,'' we congratulate them.

PERSONAL EXPLANATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. GILMAN. Mr. Speaker, during the week of July 24th, due to hospitalization, I was unable to vote on Roll Call Number 429 through and including Roll Call number 450. If I had been present I would have voted AYE on all, except on Roll Call Number 449, on which I would have voted NAY. Accordingly, I ask unanimous consent to have my statement placed in the RECORD at the appropriate point.

RECOGNIZING EDWARD J. BRISCOE ELEMENTARY SCHOOL

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Ms. GRANGER. Mr. Speaker, today I recognize and commend Edward J. Briscoe Elementary School of Fort Worth, Texas, for being designated by the Texas Education Agency as a State of Texas Recognized School. This tremendous achievement is a testament to the leadership of Briscoe Elementary's principal, Dr. Jennifer Giddings Brooks, and to the hard work of the school's teachers, staff, and students.

The students attending Briscoe Elementary come from diverse ethnic backgrounds. The school is located in a neighborhood with challenging social conditions, where 97% students are on free and reduced lunch programs. With the guidance of dedicated teachers, students at Briscoe have overcome these disadvantages and become an example of academic achievement for all of America's schools.

Over the last several years, test scores have drastically risen at Briscoe Elementary. More than 80% of the school's 410 students passed each section of the Texas Assessment of Academic Skills (TAAS) test. What is even more impressive is Briscoe's attendance rate of 96.5%. This success is a result of the incredible devotion to students by the school's teachers and staff. They set high standards for their students, but they also invest real time in their students' lives. Fourthgrade teacher Shaneeka Shannon says that her work at Briscoe Elementary is ''Not just a job. It's a calling.'' Shaneeka's attitude is at the core of the school's success. By believing in and setting high expectations for its students, Briscoe has beaten the odds and become a place where academic excellence is the rule not the exception.

As a former public school teacher, I am very concerned about the condition of America's classrooms; however, the success of schools like Briscoe Elementary give me hope and should give our nation hope. Together we can reach our vision of an America where our children are not only well-educated; but, more importantly, an America where our children believe in themselves and their country.

We can reach this goal one school and one child at a time. Briscoe Elementary School's success will serve as an excellent example of what can be accomplished.

VETERINARY HEALTH ENHANCEMENT ACT FOR UNDER-SERVED AREAS

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. PICKERING. Mr. Speaker, many rural and inner city areas of the United States lack proper veterinary care in their communities. As a result, the health of both animals and humans in these areas is at risk. In many cases, veterinarians, upon graduating from a school of veterinary medicine, opt to practice in a prosperous urban setting which provides the highest opportunity for income. This leaves many rural and inner-city regions lacking proper veterinary care.

Rural areas in the United States are going through a unique transformation. These smalltown, agrarian communities are literally drying up. These areas can't afford to provide veterinarians the same levels of income as a more prosperous urban area. Therefore, these areas are forced to go without a practicing veterinarian in the area. Not only do families need pet health care in these areas, but farmers and ranchers are forced to conduct their operations without an agricultural veterinarian in the area resulting in the poor health of livestock and humans as well as loss of income to the farmer or rancher. In the same respect, poor, inner-city areas need additional veterinarians as well. These areas are hotbeds for dangerous diseases carried by animals which can then be spread to susceptible children.

In response to this disparity, I am introducing the Veterinary Health Enhancement Act for Under-served Areas. Under this proposal, veterinary students will be provided debt relief for their veterinary school loans which often run higher than $120,000. This is a voluntary federal program in which the state school of veterinary medicine may choose to participate. Students may receive this assistance only if they agree to practice in an under-served area as mentioned above. The result of having veterinarians practicing in under-served rural and inner-city areas will help improve animal health, will ensure that the risk of disease transfer from animals to humans is minimal, and will lower the health risks especially to children who are more susceptible to these animal health risks.

This is a non-controversial bill which will provide welcome veterinary care to inner city and rural areas. I urge all my colleagues to support this bill on behalf of their communities.

OLYMPIC AMBUSH ADVERTISING

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. HEFLEY. Mr. Speaker, I wish to address a problem that impacts not only the United States Olympic Committee, which is located in my district of Colorado Springs, but also millions of Americans who are involved in the Olympic movement.

The problem is known as ''ambush marketing,'' a deceptive practice in which companies deliberately and falsely suggest that they support or are affiliated with an event or organization. This enables companies to steal the benefits of sponsorship of events such as the Olympics without paying the associated sponsorship fee.

Numerous American companies such as Coca-Cola, McDonald's and Visa have spent millions of dollars for the privilege of being official sponsors of the Olympic Games. Competing companies, through deceptive advertising, have attempted to capitalize on the goodwill and favorable publicity of an Olympic sponsorship without paying the appropriate licensing fee. You may ask, ''So what?''. The ''so what'' is that official sponsors have invested time, creativity and money into helping our nation's Olympic effort, while the ambush advertisers have invested nothing in the Olympic movement, yet hope to profit from an association.

Ambush marketing has the direct and immediate result of depriving officially licensed sponsors of the Olympic Games of the exclusive rights in their product category to advertise their financial support for the Olympic Movement and associate with the Olympic Games. What will happen in the future if Congress does not put an end to ambush marketing in the context of the Olympic Movement? Advertisers and marketers will, quite likely, be less inclined to buy the requisite sponsorship packages for the privilege of being an ''official Olympic sponsor.'' Indeed, some may think about becoming ambush marketers themselves and enjoy the fruits of an Olympic sponsorship without any of the corresponding obligations.

Such a result will most certainly have a devastating effect on the United States Olympic Committee which receives no federal funding. The current system of private funding has worked marvelously in providing the money and support that pays for the training, transportation and facilities of our great Olympic athletes. However, the system is being threatened. Ambush marketers are diluting the value and prestige an Olympic sponsorship. The more they erode the value of sponsorship, the less incentive others will have to contribute the millions of dollars required to enjoy the distinction of being an official Olympic sponsor and support our Olympic athletes.

I first addressed this issue in a floor statement in 1993, but in the ensuing years the practice has become more widespread. While the USOC has worked tirelessly to combat ambush marketing, it apparently needs better tools to put an end to the practice. Only Congress can provide these tools, and it is becoming apparent that it is time for us to step in. I look forward to working with my colleagues next year to craft targeted legislation to give the USOC the proper tools necessary to combat ambush marketing.

SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 2000

Mr. PAUL. Mr. Speaker, I am pleased to rise in support of the Social Security Tax Relief Act (H.R. 4865). By repealing the 1993 tax increase on Social Security benefits, Congress will take a good first step toward eliminating one of the most unfair taxes imposed on seniors: the tax on Social Security benefits.

Eliminating the 1993 tax on Social Security benefits has long been one of my goals in Congress. In fact, I introduced legislation to repeal this tax increase in 1997, and I am pleased to see Congress acting on this issue. I would remind my colleagues that the justification for increasing this tax in 1993 was to reduce the budget deficit. Now, President Clinton, who first proposed the tax increase, and most members of Congress say the deficit is gone. So, by the President's own reasoning, there is no need to keep this tax hike in place.

Because Social Security benefits are financed with tax dollars, taxing these benefits is yet another incidence of ''double taxation.'' Furthermore, ''taxing'' benefits paid by the government is merely an accounting trick, a ''shell game'' which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs and mask the true size of the federal deficit.

Mr. Speaker, the Social Security Tax Relief Act, combined with our action earlier this year to repeal the earnings limitation, goes a long way toward reducing the burden imposed by the Federal Government on senior citizens. However, I hope my colleagues will not stop at repealing the 1993 tax increase, but will work to repeal all taxes on Social Security benefits. I am cosponsoring legislation to achieve this goal, H.R. 761.

Congress should also act on my Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security Trust Fund is spent solely on Social Security. When the government takes money for the Social Security Trust Fund, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting the Social Security Benefits Tax Relief Act (H.R. 4865). 1 also urge my colleagues to join me in working to repeal all taxes on Social Security benefits and ensuring that moneys from the Social Security trust fund are used solely for Social Security and not wasted on frivolous government programs.

SAN BERNARDINO'S ROUTE 66 RENDEZVOUS CELEBRATES THE OPEN ROAD

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. LEWIS of California. Mr. Speaker, it is accurate to say that for Americans headed West to Southern California, all roads pass through San Bernardino County. And for one weekend this month, a half-million people from across the United States will head straight to San Bernardino to celebrate the most storied road of all: Route 66.

In Its 11th year, the Route 66 Rendezvous in downtown San Bernardino has grown from 300 cars and 4,000 people to 2,448 vehicles viewed by 600,000 visitors last year, making it one of the nation's largest free-admission events. Through the strong support of local businesses—led by chief sponsor Stater Bros. Markets—and thousands of volunteers, the city of San Bernardino has created one of the top family-oriented events in California, according to the state's Division of Tourism.

Celebrating the car culture that has been such a part of modem American history, the Rendezvous invites the thousands of visitors to watch the classic vehicles parade, race their engines in a decibel-measured contest and burn out their tires at an abandoned raceway. Kids are given a chance to build and keep their own toys.

It is no surprise that renewed interest in the fabled Route 66 has led America to San Bernardino County. Over 200 miles of the Mother Road carry travelers from the forbidding Mojave Desert to the doorstep of Southern California's cities. Those who are rediscovering the first cross-country highway have a tremendous resource in Barstow, where the newest and most exciting Route 66 museum has opened in the historic Harvey House railroad depot. Further along the highway West is another fine museum in Victorville.

Children who grew up in San Bernardino knew Route 66 as the home of the Wigwam Motel—and eventually as the home of the nation's first McDonalds restaurant. It was the road that brought the nation to California, and helped create the most populous and vibrant state in the country.

This year's celebration will be highlighted by the induction of four new members of the Cruisin' Hall of Fame, which enshrines the people, machines and institutions that have contributed the most to our nation of car lovers. The inductees this year are the toymaker Mattel, for the ubiquitous miniature Hot Wheels cars; the Beach Boys musical group; J.C. Agajanian, a legendary owner of the Ascot Speedway; and the Woody, the handbuilt station wagon that was the sports utility vehicle of its day.

Mr. Speaker, I ask that you and my colleagues join me in recognizing these new members of the Cruisin' Hall of Fame for their contributions to our nation's popular history and culture. And please join me in congratulating San Bernardino for hosting the Route 66 Rendezvous, a celebration of America's romance with the automobile.

SIXTH DISTRICT ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the tremendous work of a half-dozen young men and women who live in my District.

Each year, my office in cooperation with numerous junior and senior high schools in Northern Illinois sponsor an essay writing contest. A board, chaired by Vivian Turner, a former principal of Blackhawk Junior High School in Bensenville, IL, chooses a topic, and evaluates results of the submitted essays. Winners share more than $1,000 in scholarship funds.

This year, Robert Arroyo, a student at Immanuel Lutheran School in Elmhurst, placed first in the Junior High Division with an essay entitled Just as American as Apple Pie, a text of which I include in the RECORD. Placing second in the Junior High Division is Bethany Bredehoft, a student at Immanuel Lutheran School in Elmhurst; and Liz Juranek, a student at Algonquin Middle School in Des Plaines, placed third.

In the Senior High Division, Kate Brenan, a student at Driscoll Catholic High School in Addison, placed first with her essay entitled Rule of Law, a text of which I include in the RECORD. Steven Pyter, a student at Lake Park High School in Roselle, placed second; and John Fennell, a student at Driscoll Catholic High School in Addison, placed third.

(By Robert Arroyo)

JUST AS AMERICAN AS APPLE PIE

Being a responsible citizen is just as American as apple pie. A good apple pie has a firm, moist, brown, crust surrounding a sweet filling of sliced apples with cinnamon, topped with a cool scoop of ice cream. A good citizen is surrounded by important freedoms called civil rights. They include freedom of speech, freedom of religion, freedom of assembly, and trial by jury. An American citizen has the right to vote for the President and members of Congress and to run for government office himself. A U.S. citizen has the right to own things, live where he wants, go to a good school, and travel throughout the United States.

Our government protects and supports its citizens like an apple pie is protected and supported by its crust. In return, we must be responsible citizens just as the apple pie has a sweet, spicy fruit inside it for us to enjoy.

A responsible citizen knows what his government is doing. He tries to find out what is happening. He reads newspapers. He watches and listens to the news on television and radio.

A responsible citizen knows the names of the president and vice president of the United States and their duties as well as the governor of his state and his duties. A responsible citizen also knows the head of the government for his city, town and county along with their duties. A responsible citizen must keep informed on what is going on around him. Then be must exercise his right to vote by making responsible choices when he elects government officials.

Every responsible citizen knows ''The Star-Spangled Banner,'' our national anthem, as well as ''The Pledge of Allegiance'' to the flag. When a citizen pledges allegiance to his flag, he promises loyalty and devotion

to his nation. Each word has a deep meaning. If the United States is called to war, a responsible citizen may be called to serve in the armed forces or help out to the best of his ability on the home front.

A responsible citizen must obey the laws of the land as well as the laws of the state, city and county. Every responsible citizen must drive safely and never drive drunk. He respects the rights of others and the property of others. He does not do drugs, and he helps the police by reporting any suspicious persons hanging around the neighborhood. The police and other law enforcement agencies need help. They cannot fight crime unless everyone works together to help them.

Another way to be a responsible citizen is by paying one's taxes. Our tax money provides us with teachers, firemen, policemen, and the armed forces. Better roads, schools, libraries, and parks are built from tax money. Some of our tax money also goes to help those less fortunate than we are. That is why a responsible citizen must always pay his fair share of taxes.

Being a responsible citizen means other things, too. A responsible citizen helps to conserve America's natural resources and to keep America beautiful. Every citizen can take part in cleaning up the community, planting trees, and saving water and energy at home.

Now we are ready for that cool scoop of ice cream on our apple pie. Being kind and understanding toward our fellow citizens is just like the topping on an apple pie because it adds that final caring touch. Therefore, a responsible citizen will volunteer to help other people whenever possible in his family, school, and community.

RULE OF LAW

(By Kate Brenan)

The rule of law is the basis of the American government, it is embedded in the structure of our constitution. It inspired our founding fathers and all subsequent government leaders; it is the foundation of our democracy and it allows judicial decisions to be as important as legislation. The rule of law is a philosophical concept that promotes a government of laws—not a government of men. By human nature, humans can be fickle or subjective despite the need for objectivity in important decisions, Laws, however, are unchanging, theoretically unbiased and provide a foundation for further development of government regulations and policies. Therefore, laws also provide a solid point of reference for making important government decisions. The rule of law also states that government and court decisions are based on previously passed laws or court decisions. This prevents arbitrary rulings of judges due to personal biases and ensures a consistency within the law.

The rule of law emphasizes the permanent influence of judicial decisions on future rulings. The innate power of a government based on rule of law therefore lies in the court system. Monumental judicial decisions have influenced countless other similar cases. Cases regarding the desegregation of American schools, for example, greatly influenced the public's overall acceptance of racial harmony.

The rule of law is vital to democracy because of its authority in regard to continuous government decisions. Applications of known laws or previous court decisions allow for more objective reasoning in future decisions. It therefore allows for a fluid and changing model of standard American law, which encourages the changing face of America to challenge court decisions, legislation and leaders. This results in a more involved community and a more true democracy. Judges are able to correct previous decisions by ruling them unconstitutional. These decisions subsequently influence countless other court cases across the nation. Our democracy is based on equal representation and voting rights. If we had a rule of man, our inalienable rights might be manipulated on a case by case situation. The rule of law makes judges and legislators realize the reverence of their decisions, ensuring more just and responsible decisions.

These decisions that enforce the power of the law in the United States are not found everywhere. Other countries have suffered from malicious dictators in the past, Hitler being the most notorious in recent history. Some democratic governments place too much executive power in the hands of too few people. The United States' revolutionary and progressive history has been an example to many countries, however, and our success with the rule of law is being emulated across the globe. The way in which our government is set up with three branches, supported by the rule of law and a strong republic, ensures a balance so the people's concerns are addressed and their opinions are taken to heart at all times. Ideally this results in a more true democracy, where the public's sentiments are revered, Since previous court cases are applicable to each following case, the public can keep the government in check.

The rule of law not only sets precedence in regard to government decisions, but affects society as well. We are more likely to recall past decisions of bosses, teachers or other authority figures and apply them to decisions concerning our own future, reflecting the emphasis of rule of law in our lives. Without the protection and assurance that laws will be the basis for decisions and arbitrary rulings are unconstitutional, our government loses its power. Laws are meaningless without structure and people to enforce them and that structure is fallible without the protection of an absolute rule of law.

SEPTEMBER SCHOOL OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mrs. McCARTHY of New York. Mr. Speaker, I have named H. Frank Carey High School in Franklin Square School of the Month in the Fourth Congressional District for September 2000. Recently, Carey High received the prestigious Blue Ribbon School Award for 1999–2000 from the U.S. Department of Education.

In addition, Carey High School is one of five high schools in the Sewanhaka Central High School District which was one of only three school districts to win the prestigious New York State Excelsior Award.

I want to congratulate Carey High School not only on the Blue Ribbon Award, but also for the personal educational approach provided to Long Island's young adults.

Thomas Dolan is the Principal of Carey, and Dr. George Goldstein is the Superintendent of Schools for the Sewanhaka Central School District. The school has 1,528 students, 137 staff members.

The Blue Ribbon Award is bestowed on schools that excel in all areas of academic leadership, teaching and teacher development and school curriculum. In addition, schools must exhibit exceptional levels of community and parental involvement, high student achievement levels and rigorous safety and discipline programs. Schools selected for recognition have conducted a thorough self-evaluation, involving administrators, teachers, students, parents and community representatives, including developing a strategic plan for the future.

Carey teaches students to learn, and also instills a sense of community responsibility. As a result, students excel academically and fully participate in the school community, whether in the fine arts or athletics.

Carey High School approaches education as a never-ending way of life. Carey has an exemplary academic record, a dedicated staff, and is a great asset to Long Island education.

IN MEMORY OF ALFRED HENSON WARD

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor an outstanding citizen of the Eleventh District of Virginia, a patriotic and loyal staff member of both the House and the Senate, a devoted father, and my loyal friend, Fred Ward, who passed away Tuesday, September 12th at the age of 59.

Fred served his community in many ways, most recently as an elected member of the Fairfax County School Board. His interest in education and in children was reflected in his devotion to his own children, Jesse Lee and Emily Lou, his stepson Joe McAlear and the hundreds of other kids he helped and mentored as a volunteer Little League, soccer and swimming coach.

He had a long and distinguished professional career here in the House and the Senate, where he was the court reporter for the Senate Select Committee on Intelligence. In fact he was the first court reporter for both the House and the Senate Intelligence Committees when they were established in 1976. In that capacity, Fred held the highest security clearance a member or a staffer can have, and he was a key participant in our great nation's struggle with and victory over communism. Prior to his career in the Congress, Fred served in the Army and remained a true friend to those who served in the military all of his life.

But it was in his own home and his community that Fred really devoted his talents and energies, and that is where I had the privilege of getting to know and to work with him long before I came to serve in the Congress. He loved deeply and was very proud of his two children, Jesse and Emily. He was a full participant in their school and extracurricular activities, and his face would light up at the mere mention of their names and accomplishments. He was a friend and mentor to his stepson Joe. Even though they were divorced, he and his wife Sandra remained friends, and it was together that they managed his healthcare and comfort.

In memorials to Fred Ward, history will record November 20, 1940–September 12, 2000. Those almost 60 years were filled with many great moments and spawned many great memories, and I join all of his friends in

extending my deepest sympathy to his family on his passing.

INTRODUCTION OF THE SMALL BUSINESS HEALTH INSURANCE EXPANSION ACT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. MOORE. Mr. Speaker, today I am introducing a bill that will help uninsured Americans get the health insurance coverage they want and need. It has been endorsed by the Blue Dog Coalition, whose members support this fiscally responsible, targeted solution that will help uninsured Americans and the small businesses where many of them work.

Like a majority of my colleagues, I support the Patients' Bill of Rights that will give patients and their doctors power over health care decisions. I have been frustrated by the slow work of the conference committee in coming to a compromise on this legislation.

I want a Patients' Bill of Rights to pass before Congress adjourns for the year. I want to go home and tell my constituents that I have done what I promised to do. I hope that the bill I am introducing today will provide a middle ground for the conference negotiations. A majority of this House supports the Patients' Bill of Rights, and both Republicans and Democrats can agree that the problem of the uninsured is one of our most pressing public health concerns.

The bill would provide immediate 100 percent deductibility of health insurance premiums for self-employed individuals. My bill also would create a temporary tax credit for small employers who have not offered health insurance in the past two years. The credit will reimburse 20 percent of health insurance costs, up to $400 per year for individuals and $1000 for family coverage. Businesses can get an additional 10 percent tax credit (up to 30 percent total) if they join in a Health Benefit Purchasing Coalition, which provides small employers a way to pool resources, negotiate collectively with insurers, and administer health plans for small employer groups. In order to foster innovation on the state level, the bill creates a state grant program for initiatives that expand health insurance to the uninsured through market innovations.

I have attached the letter sent to Senator NICKLES from the Blue Dog Coalition asking him to consider our bill as a reasonable compromise to the $48 billion access bill that passed the House with no offsets. This bill is targeted, fiscally responsible, and could become law.

Small employers are struggling to provide health insurance coverage for their employees, and Congress should do something to help them. It's the right thing to do for business, and it's the night thing to do for millions of Americans who want and need health insurance.

TRIBUTE TO PROFESSOR MORIHIRO SAITO

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize Professor Morihiro Saito, a professor of Aikido, who has offered his services to my constituents in the 6th Congressional District of California during his many visits to the North Bay over the last 25 years. During that time, Professor Saito has brought the message of peace, harmony and intelligent reconciliation of conflicts to the people of California.

On September 22, 2000, a seminar will be held in San Rafael, California, to promote the art of Aikido. More than 300 people are expected to attend from around the world. I am proud to again welcome Professor Morihiro Saito to our area. I would like to welcome our world guests to this seminar.

I, along with the Aikidoists in California, would like to express my appreciation and gratitude for Professor Morihiro Saito's years of service and dedication to teaching and instructing. It is truly remarkable that in such a short period of time a handful of Aikidoists has grown into tens of thousands of practitioners, from around the world, promoting Aikido's message of peace, harmony and nonviolent conflict resolution.

Mr. Speaker, it is my great pleasure to welcome Professor Morihiro Saito to California's Sixth Congressional District.

CATHERINE E. INGRAM AND NIGEL L. GRAHAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. CLAY. Mr. Speaker, I would like to take this opportunity to extend my congratulations to two former House Pages, Catherine Elizabeth Ingram and Nigel Leonard Graham on the occasion of their recent marriage.

Catherine and Nigel met when they came to Washington to serve as Congressional Pages during the summer of 1988. Catherine served as a Page under my sponsorship while Nigel was sponsored by the Honorable HENRY WAXMAN of California. Nigel was extremely interested in the political process and his enthusiasm inspired Catherine's interest. They did not experience love at first sight; however, as the summer progressed they began to spend most of their days together at the Capitol and to enjoy their evenings together in D.C. A friendship developed over the summer and they agreed to keep in touch. After that summer, Nigel wrote the first letter and they have kept in touch ever since. Their friendship soon grew into a relationship and they have been a couple since 1990. When Nigel and Catherine became engaged in December 1999, they returned to the restaurant they frequented in the summer of 1988. It was a special moment as they recalled the place where their relationship began.

Mr. Speaker. It is heartwarming to know that Nigel and Catherine met and found personal happiness through their service as Congressional Pages. I wish this fine young couple every happiness and good fortune in the years ahead.

TRIBUTE TO JOE ANDERSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable South Carolinian on the occasion of his retirement. Mr. Joe M. Anderson, Jr. has contributed much to his state in the way of service and expertise, and he will be missed in the business community of South Carolina.

Joe was born and raised in Anderson, South Carolina. He received his B.A. from the University of Georgia in 1965 and his MBA from the University of South Carolina in 1967.

To Joe, community service is a top priority. Currently, he is the President of South Carolina Operations for Bell South. He is the founding chairman of the South Carolina Chamber of Commerce's Excellence in Education Council, on which he still serves as a board member. He is also a member of the Board of Directors of the United States Chamber of Commerce. He was recently appointed by the Governor of South Carolina to be the Chair of the advisory council for the ''First Steps'' program, a new educational initiative in South Carolina. His passion for education, cultural awareness, and community service has led him to serve as president and chair of various other organizations in the state. But, regardless of his title or position, he maintains that helping others takes precedence over pride and formality.

In the midst of all of his service to his community, Joe always finds time for his family. He is married to the former Carol Gerrod of Anderson, and has three sons.

It is citizens like Mr. Joe Anderson, Jr. that make South Carolina such a great state. Mr. Speaker, I ask you to join me in paying tribute to this fine South Carolinian who has set an example of community service, selflessness, and hard work for others, and wish him the very best in his retirement years.

IN MEMORY OF MICHAEL F. PILTMAN

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. MCNULTY. Mr. Speaker, a light is gone from the world with the loss of Michael F. Piltman, 46, of Rotterdam, New York.

His friends and colleagues who worked with him for many years in New York State government will always cherish Michael's special personal qualities and his dedication to public service.

He was humane, just and ethical. He lived, ''. . . to make gentle the life of this world.'' To these ends he directed his many talents: a creative and facile mind, a sparkling wit, a joy in people, a zest for the political arena, tolerance for all and a passion for human rights and progressive causes.

Michael loved others, not only in the abstract but also in countless interactions, large and small, with real people, marking his every day with acts of kindness and compassion.

An incomparable and loyal friend, he was giving, nurturing and empathetic, always putting others above himself. He lived with genuine humility and not a trace of egotism.

His irrepressible spirit will ever be a presence, and an inspiration, in the many lives fortunate enough to have been touched by his.

I join with Gail Shaffer, Jim Baldwin, Tom Matthews, Bill Brown, Barbara Chocky, Teresa Davenport Carter, Cheryl Parsons Reul, Maggie Quinn, Barbara Kozack, Sue DiDonato, Gene Labocetta, Ginny Kintz, Sam Messina and Michael's many other friends and colleagues in mourning his loss.

''Faith, hope and love, and the greatest of these is love.'' Michael, all who knew you loved you. Our lasting tribute to you is to carry on your goodness in our own lives and to others.

IN HONOR OF FATHER WILLIAM F. TEZIE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father William F. Tezie, a caring and devoted man who has served as a pastor for more than 44 years. This is a particularly special time for Father Tezie as he celebrates his retirement, his 25th anniversary as pastor of St. John Nepomucene's Church, and his 70th birthday.

Father Tezie was born in Pittsburgh, Pennsylvania, but shortly thereafter his family moved to Lakewood, Ohio and eventually to Rocky River. He attended St. Christopher Grade School and graduated from Rocky River High School. In 1948, Father Tezie entered Gregory Minor Seminary in Cincinnati and later graduated from St. Mary Major Seminary in Cleveland.

Since his ordination on May 19, 1956, Father Tezie has shared his commitment and faith with six different parishes throughout Ohio. Before he began his remarkable 25-year reign as pastor at St. John Nepomucene's Church in 1975, he provided nearly 20 wonderful years of dedicated service to the parishes at St. Richard's Church in North Olmsted, St. John's Church in Akron, St. Cyril and Methodius's Church in Lakewood, St. Mary's of the Falls Church in Olmsted Falls, and St. Francis Xavier's Church in Medina. In 1991, the Diocese of Cleveland presented the Award of Excellence as outstanding pastor to Father Tezie for his exemplary service to Catholic education.

Mr. Speaker, I ask my fellow colleagues in the House of Representatives to join me in congratulating Father William J. Tezie on his retirement, his anniversary and his birthday. I, along with the St. John Nepomucene Parish, wish to thank this incredible man for the lifetime of faithful and loving service he has given.

ST. ANN OF THE DUNES ROMAN CATHOLIC CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate St. Ann of the Dunes Roman Catholic Church, in Beverly Shores, Indiana, as it celebrated its 50th anniversary as a parish this past Sunday, September 10, 2000. I would also like to take this opportunity to congratulate Father John B. Barasinski, pastor, on this joyous occasion.

Adjacent to the scenic Indiana Dunes National Park, St. Ann of the Dunes celebrated its half-century of history during a special mass last Sunday with Bishop Dale Melczek and the Reverend Charles Doyle, who presided over the church as its pastor for 30 of its 50 years.

From humble beginnings, St. Ann of the Dunes began as a nomadic church, taking up weekly residence wherever it could find space. Parishioners held services in houses, restaurants, and even a fire station, until 1954, when Helen Wood donated five acres that were once home to the Beverly Shores Golf Course. On this donated land, parishioners built a simple, rectangular church which served them well until 1971, when this building underwent extensive renovations and additions. St. Ann of the Dunes parish continues to be home to a close-knit congregation.

With many of its members descended from Lithuanians and Poles, evidence of Central European ethnic pride can be seen throughout the interior of the church. Numerous parishioners have used their artistic talents to beautify the facility. The altar and stained glass windows were hand-crafted and donated by church members. Parishioner and local artisan, Richard Kiebdaj, carved the candlesticks and baptismal font. He also created the main crucifix in the church, which is made from amber donated by various members of the parish.

Sharing its geography with the Indiana Dunes National Lakeshore, St. Ann of the Dunes' peaceful setting is inviting not only to the people of Beverly Shores and surrounding communities, but also to the visitors from the nearby state and national park campgrounds. During the summer months, parishioners and travelers come to celebrate mass outdoors in the beautiful and natural setting of the neighboring park amphitheater.

The generosity of the parishioners is typical of the care and dedication they show for the church and each other. The parishioners are committed to a tithing program, dedicating 10 percent of the weekly parish collection for local, national and international causes to assist people in need.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of St. Ann of the Dunes, under the current guidance of Father John B. Barasinski, as they celebrate their 50th anniversary. All past and present parishioners and pastors should be proud of the numerous contributions they have made out of the love for their church and devotion to their community throughout the past 50 years.

HONORING PRIME MINISTER ATAL BIHARI VAJPAYEE OF INDIA

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. MEEHAN. Mr. Speaker, today I honor Prime Minister Atal Bihari Vajpayee of India. As you know, the Prime Minister will be addressing a joint session of Congress to provide us with his personal perspective on the role India plays and will play in our new world order and economy.

U.S. foreign policy is increasingly focusing on the importance of India, and appropriately so. India is slated to out-populate China by 2035. It is an important strategic democracy in a volatile and strategically important geographic region—a region for which there are hopes of permanent peace.

Since India's inception 53 years ago as an independent country, it has maintained a constitution based on the same democratic principles that our Founding Fathers valued. The Indian Constitution safeguards all its people from all forms of discrimination on grounds of race, religion, creed or sex. It guarantees freedom of speech, expression and belief, assembly and association, migration, and acquisition of property. It maintains a government where five national parties and 14 prominent state parties can co-exist in a coalition government.

Furthermore, India reaffirmed its commitment to human rights when it signed the Warsaw Declaration in June of this year. This declaration emphasized the interdependence between peace, development, human rights and democracy. Signatories agreed on the right of every person to have equal protection under the law; freedom of opinion and expression; freedom of thought; equal access to education; freedom of peaceful assembly; access to a competent, independent and impartial judiciary and that all human rights—whether civil, cultural, economic political or social be promoted and protected.

Moreover, India is also making its mark as an economic entity. For the past 10 years, the U.S. information technology (IT) industry has made increasing investments in India. They have recognized that India is capable of providing an educated, ambitious workforce that can meet the needs of the world's technology-driven economy. This has allowed India to help cultivate the growth of its IT sector. India has successfully educated its workforce with IT skills and established successful partnerships with industry leaders. India is second only to the United States in the number of Microsoft-certified professionals.

India recognizes the important link between political freedom and economic development. As India's first Prime Minister, Jawaharlal Nehru said ''We talk of freedom, but today political freedom does not take us very far unless there is economic freedom. Indeed, there is no such thing as freedom for a man who is starving or for a country that is poor.'' This symbiotic relationship between economic success and personal freedom is the foundation for a just, stable world order.

The prioritization of economic success and personal freedom is also reflected in our Indian-American population. There are over 1.5 million Indian-Americans, and their contributions to engineering and technology, art and

literature, and education and culture are prominent across the nation. They work in our hospitals as doctors, they start local businesses as entrepreneurs, and they serve in our government as public servants. They fill our temples, teach our children and participate in our civic processes, and so embody and exemplify the ideals of the American Dream.

As a member of the Congressional Caucus on India and Indian-Americans, I recognize that it is time for the United States to further its relationship with India. Our economic and political relationships with India and Prime Minister Vajpayee have accelerated greatly in recent years. President Clinton urged us further along this path with his visit this past March to India. The President met with government officials, traveled in India with Indian-Americans as his foot soldiers, addressed their parliament, and met with India's citizens. Through these exchanges, the United States strengthens and prioritizes its relationship with India. I am especially proud of the fact that in my district, some of the finest citizens of Indian heritage have been contributors to our economic and social fabric. We complement our relationship with India by recognizing the importance of our Indian-American community. We validate it through continued dialogue and discourse.

INTRODUCTION OF A RESOLUTION CELEBRATING THE 50TH ANNIVERSARY OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mr. HALL of Ohio. Mr. Speaker, today, I am proud to introduce a resolution which honors and recognizes the United Nations High Commissioner for Refugees (UNHCR) on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees. On December 14, 2000, UNHCR will mark a half-century of helping millions of the world's most vulnerable people. I am pleased that Representatives BENJAMIN GILMAN, SAM GEJDENSON, CHRISTOPHER SMITH, and TOM LANTOS have joined me as original cosponsors on this legislation.

UNHCR has been mandated by the United Nations to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems. It is one of the world's principal humanitarian organizations helping 23 million people in more than 140 countries.

Mrs. Sadako Ogata has served as the United Nations High Commissioner for Refugees now for nearly 10 years. It is one of the toughest jobs and Mrs. Ogata has done a superb job of bringing both professionalism and compassion to the organization over her decade of service.

This resolution also calls on the international community to work together with UNHCR in efforts to ensure that host countries uphold humanitarian and human rights principles for refugees, to lessen the impact of refugees on host countries, and to promote the safe voluntary repatriation, local integration, or resettlement of refugees.

I would urge my colleagues to adopt this legislation.

TRIBUTE TO NORM SILLS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to congratulate Norm Sills of Salisbury, Connecticut, for being named to the Appalachian Trail Conference's (ATC) Honor Roll of Volunteers. In this 75th anniversary year of the Appalachian Trail, the ATC is recognizing 75 individuals for their commitment to the trail. The honor roll seeks to recognize people for their dedication to the trail based upon the number of hours each has worked, their willingness to mentor new volunteers and their overall leadership skills.

Over the last 34 years, Mr. Sills, has clearly exhibited all of these qualities. A retired farmer, Mr. Sills has contributed over 2,500 hours of his time to help maintain the Appalachian Trail. In addition to his work on the trail itself, Mr. Sills is co-editor of the Massachusetts-Connecticut Appalachian Trail Guide and a 34-year member of the Appalachian Mountain Club. The Appalachian Mountain Club (AMC) is one of many organizations that helps to coordinate maintenance of the trail, largely by volunteers. Founded in 1876 as a hiking and climbing club, the AMC is now responsible for maintaining 122 miles of the Trail in Maine, Massachusetts, Connecticut and Pennsylvania. AMC has created a 4,200 person nationwide volunteer network that spent 181,500 hours in 1999 alone managing this national treasure.

First established in 1925, the Appalachian Trail Conference linked several northern hiking groups, such as the AMC, regional planning groups and the then young national forest system to coordinate creation, and later maintenance, of the trail. In 1984, the National Park Service delegated day to day upkeep of the trail and the accompanying Forest Service lands to the ATC. The trail now runs 2,167 miles from Maine to Georgia, through 14 states, and through my district, the northwest corner of Connecticut. The 14 states have collectively contributed over 180,000 acres through which the trail passes to the ATC.

No other nonprofit organization is responsible for the daily oversight of such a large tract of land or one with such a rich history. Volunteers, such as Mr. Sills, are crucial in ensuring the continuing use of the trail. Given Mr. Sills' longstanding dedication, there can be no doubt that Mr. Sills has been instrumental in maintaining the trail and he is truly deserving of this award. I congratulate Mr. Sills on this honor.

Daily Digest

HIGHLIGHTS

The House and Senate met in Joint Meeting for the purpose of receiving His Excellency Atal Bihari Vajpayee, Prime Minister of the Republic of India.

The House agreed to the NASA Authorization Conference Report

The House agreed to the Legislative Branch Conference Report

House committees ordered reported 8 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S8535–S8609

Measures Introduced: Eleven bills were introduced, as follows: S. 3045–3055. **Page S8585**

Measures Reported:

S. 1534, to reauthorize the Coastal Zone Management Act, with an amendment in the nature of a substitute. (S. Rept. No. 106–412)

H.R. 701, to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, with an amendment in the nature of a substitute. (S. Rept. No. 106–413) **Pages S8584–85**

PNTR (Permanent Normal Trade Relations) FOR CHINA: Senate continued 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, taking action on the following amendments proposed thereto:

Pages S8536, S8539–65

Rejected:

By 6 yeas to 90 nays (Vote No. 247), Hollings Amendment No. 4134, to direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10–K reports. **Page S8586, S8539–44**

By 30 yeas to 68 nays (Vote No. 248), Division I of Smith (of N.H.) Amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting. **Pages S8536, S8544–46, S8557**

By 24 yeas to 74 nays (Vote No. 249), Division IV of Smith (of N.H.) Amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting. **Pages S8536, S8546–48, S8557–58**

Hollings Amendment No. 4136, to authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit. **Pages S8536, S8548–50, S8558**

By 16 yeas to 81 nays (Vote No. 250), Hollings Amendment No. 4135, to authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit. **Pages S8536, S8550–53, S8558–59**

Hollings Amendment No. 4137, to condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications.

Pages S8536, S8553–57, S8559

Withdrawn:

Wellstone Amendment No. 4118, to require that the President certify to Congress that the People's

Republic of China has taken certain actions with respect to ensuring human rights protection. **Page S8536**

Wellstone Amendment No. 4121, to strengthen the rights of workers to associate, organize and strike. **Page S8536**

Division II of Smith (of N.H.) Amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting. **Page S8536**

Division III of Smith (of N.H.) Amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting. **Page S8536**

Division V of Smith (of N.H.) Amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting. **Page S8536**

A unanimous-consent agreement was reached providing for further consideration of the bill on Friday and Monday, September 15 and 18, 2000, with a vote on final passage of the bill to occur at 2:15 p.m., on Tuesday, September 19, 2000. **Page S8565**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report of the Interagency Arctic Research Policy Committee for the period of February 1, 1998, to January 31, 2000; to the Committee on Governmental Affairs. (PM–127) **Pages S8577–84**

Nominations Received: Senate received the following nominations:

Elwood Holstein, Jr., of New Jersey, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

Melvin E. Clark, Jr., of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2002. (Reappointment)

Sheryl R. Marshall, of Massachusetts, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2002. (Reappointment)

Nina M. Archabal, of Minnesota, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Betty G. Bengtson, of Washington, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Ron Chew, of Washington, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Henry Glassie, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Mary D. Hubbard, of Alabama, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Naomi Shihab Nye, of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Vicki L. Ruiz, of Arizona, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Toni G. Fay, of New Jersey, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2001.

Michael Prescott Goldwater, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Hans Mark, of Texas, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for the remainder of the term expiring April 17, 2002. (Reappointment)

Lynda Hare Scribante, of Colorado, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005. (Reappointment)

Thomas A. Fink, of Alaska, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2003. (Reappointment)

Stephen B. Lieberman, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania vice Edward N. Cahn, retired.

3 Coast Guard nominations in the rank of admiral.

4 Navy nominations in the rank of admiral. **Pages S8608–09**

Messages From the President: **Pages S8577–84**

Messages From the House: **Page S8584**

Measures Referred: **Page S8584**

Measures Placed on Calendar: **Page S8584**

Statements on Introduced Bills: **Pages S8585–93**

Additional Cosponsors: **Pages S8593–94**

Notices of Hearings: **Pages S8594–95**

Authority for Committees: Page S8595

Additional Statements: Pages S8574–77

Text of S. 1608, as Previously Passed: Pages S8596–S8600

Enrolled Bills Presented: Page S8584

Enrolled Bills Signed: Page S8584

Privileges of the Floor: Page S8596

Record Votes: Four record votes were taken today. (Total—250) Pages S8544, S8557–59

Adjournment: Senate convened at 11:01 a.m., and adjourned at 7:24 p.m., until 10 a.m., on Friday, September 15, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8608.)

Committee Meetings

(Committees not listed did not meet)

STEM CELL RESEARCH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine the scientific and ethical impact of embryonic stem cell research, after receiving testimony from Richard O. Hynes, Massachusetts Institute of Technology, Cambridge, on behalf of the American Society for Cell Biology; Darwin J. Prockop, Tulane University Medical Center, New Orleans, Louisiana; Russell E. Saltzman, Ruskin Heights Lutheran Church, Kansas City, Missouri; Anton-Lewis Usala, Encelle, Inc., Greenville, North Carolina; Michael J. Fox, Michael J. Fox Foundation for Parkinson's Research, New York, New York; Mary Tyler Moore, Juvenile Diabetes Foundation, Washington, D.C.; Ron Heagy, San Diego, California; Jennifer Estess, Los Angeles, California; and Gina Gershon, New York, New York.

DEFENSE BUDGET

Committee on the Budget: Committee concluded hearings on the Congressional Budget Office study evaluating the funding that would be required to maintain today's military forces over the long run, after receiving testimony from Dan L. Crippen, Director, Congressional Budget Office.

AIR TRAFFIC DELAYS

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine issues relating to unacceptable airline delays and cancellations and the customer service problems they cause, after receiving testimony from Rodney E. Slater, Secretary, and Kenneth M. Mead, Inspector General, both of the Department of Transportation; Leo F. Mullin, Delta Airlines, Atlanta, Georgia; Donald J. Carty, American Airlines, Dallas/Fort Worth Airport, Texas; Duane E. Woerth, Air Line Pilots Association, International, Herndon, Virginia; Robert W. Poole, Jr., Reason Public Policy Institute, Los Angeles, California; and John Carr, National Air Traffic Controllers Association, Washington, D.C.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nominations of David Z. Plavin, of New York, and Arthenia L. Joyner, of Florida, each to be a Member of the Federal Aviation Management Advisory Council, and Sue Bailey, of Maryland, to be Administrator of the National Highway Traffic Safety Administration, all of the Department of Transportation, after the nominees testified and answered questions in their own behalf. Ms. Joyner was introduced by Senator Graham, and Ms. Bailey was introduced by Senator Lautenberg.

ALASKA NORTH SLOPE NATURAL GAS

Committee on Energy and Natural Resources: Committee concluded oversight hearings to examine the transportation of Alaska North Slope natural gas to market and to investigate the cost, environmental aspects, economic impacts and energy security implications to Alaska and the rest of the nation for alternative routes and projects, after receiving testimony from T.J. Glauthier, Deputy Secretary, and James J. Hoecker, Chairman, Federal Energy Regulatory Commission, both of the Department of Energy; David J. Hayes, Deputy Secretary of the Interior; Dennis Roper, North Slope Borough Office of Governmental Affairs, Kevin O. Meyers, Phillips Petroleum Company, Jeffrey B. Lowenfels, Yukon Pacific Corporation, and Gary E. Carlson, Forcenergy, Inc., all of Anchorage, Alaska; Robert A. Malone, British Petroleum, Los Angeles, California; K. Terry Koonce, ExxonMobile Production Company, and Forrest E. Hoglund, Arctic Resources Company, both of Houston, Texas; Robert L. Pierce, Foothills Pipe Lines, Calgary, Alberta, Canada, on behalf of the Alaska Northwest Natural Gas Transportation Company; Roger Cooper, American Gas Association, and Jerald V. Halvorsen, Interstate Natural Gas Association of America, both of Washington, D.C.; and Joseph Blount, Unocal Global Trade, Sugarland, Texas, on behalf of the Natural Gas Supply Association.

NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded on S. 2749, to establish

the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States, S. 2885, to establish the Jamestown 400th Commemoration Commission, S. 2950, to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado, S. 2959, to amend the Dayton Aviation Heritage Preservation Act of 1992, and S. 3000, 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, after receiving testimony from Donald J. Hellmann, Deputy Assistant Director, Legislative and Congressional Affairs, National Park Service, and Henri Bisson, Assistant Director for Renewable Resources and Planning, Bureau of Land Management, both of the Department of the Interior; Steve Brady, Northern Cheyenne Sand Creek Descendants/Northern Cheyenne Sand Creek Massacre Site Committee, Lame Deer, Montana; and David F. Halaas, Colorado Historical Society, Denver.

NOMINATION

Committee on Environment and Public Works: Committee concluded hearings on the nomination of Maj. Gen. Robert B. Flowers, for appointment as the Chief of Engineers, United States Army, and appointment to the grade of Lieutenant General while assigned to a position of importance and responsibility, after the nominee testified and answered questions in his own behalf.

COLUMBIA RIVER POWER AND SALMON RECOVERY

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water continued hearings to examine the biological opinion on the Federal Columbia River Power System and the Federal Caucus Draft Basinwide Salmon Recovery Strategy, receiving testimony from Nicolaas Bouwes, Oregon Department of Fish and Wildlife, and Earl C. Weber, Columbia River Inter-Tribal Fish Commission, both of Portland, Oregon; Edward C. Bowles, Idaho Department of Fish and Game, Scott Bosse, Idaho Rivers United, Norman M. Semanko, Idaho Water Users Association, and Derrek Batson, Idaho Steelhead and Salmon Unlimited, all of Boise; Keith Kutchins, Shoshone-Bannock Tribes Fisheries Department, Fort Hall, Idaho; Robert J. Masonis, American Rivers, and Sara Patton, Northwest Energy Coalition, both of Seattle, Washington; and Glen Spain, Pacific Coast Federation of Fishermen's Associations, Eugene, Oregon.

Hearings recessed subject to call.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

Committee on Foreign Relations: Subcommittee on International Operations concluded oversight hearings to examine issues relating to educational and cultural exchange programs and their importance to our national interest abroad, including the Department of State International Visitors program, after receiving testimony from William Bader, Assistant Secretary of State for the Bureau of Educational and Cultural Affairs; Carol E. Byrne, Minnesota International Center, Minneapolis; and James S. Denton, Freedom House, Marlene M. Johnson, on behalf of the Alliance for International Education and Cultural Exchange and NAFSA: Association of International Educators, and Sherry L. Mueller, National Council for International Visitors, all of Washington, D.C.

INTELLIGENCE COMMUNITY FOREIGN LANGUAGE CAPABILITIES

Committee on Governmental Affairs: Subcommittee on International Security, Proliferation and Federal Services held hearings to examine issues relating to the state of foreign language capabilities and requirements within the United States Federal Intelligence Community and its effect on national security, receiving testimony from Ellen Laipson, Vice Chairman, National Intelligence Council; Ruth Whiteside, Deputy Director, National Foreign Affairs Training Center, Department of State; Christopher K. Mellon, Deputy Assistant Secretary of Defense for Intelligence; and David E. Alba, Assistant Director, Investigative Services Division, Federal Bureau of Investigation, Department of Justice.

Hearings recessed subject to call.

SLOTTING FEES

Committee on Small Business: Committee held hearings to examine the use of slotting fees (payments from grocery manufacturers to retailers to introduce new products on the retailers' shelves), and its impact on small businesses and consumers, receiving testimony from Lawrence J. Dyckman, Director, Food and Agriculture Issues, Resources, Community, and Economic Development Division, General Accounting Office; Susan E. Offutt, Administrator, Economic Research Service, Department of Agriculture; Thomas E. Stenzel, United Fresh Fruit and Vegetable Association, Alexandria, Virginia; David Moore, Western Growers Association, Newport Beach, California; Michael J. Stuart, Florida Fruit and Vegetable Association, Orlando; and Gregory T. Gundlach, University of Notre Dame Mendoza College of Business, Notre Dame, Indiana.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported S. 2899, to express the policy of the United States regarding the United States' relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, with an amendment in the nature of a substitute.

NATIVE HAWAIIAN RELATIONS

Committee on Indian Affairs: Committee concluded hearings on S. 2899, to express the policy of the United States regarding the United States' relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, after receiving testimony from American Samoa Delegate Faleomavaega; Kevin Gover, Assistant Secretary of the Interior, Bureau of Indian Affairs; Jacqueline Agtuca, Acting Director, Office of Tribal Justice, Department of Justice; Clayton Hee and Mililani B. Trask, both of the Office of Hawaiian Affairs, Raynard C. Soon, Department of Hawaiian Home Lands, Mahealani Kamau'u, Native Hawaiian Legal Corporation, and Tara Lulani McKenzie, ALU LIKE, Inc., all of Honolulu, Hawaii; Julie Kitka, Alaska Federation of Natives, Anchorage, Alaska; and Ron Allen, National Congress of American Indians, Washington, D.C.

House of Representatives

Chamber Action

Bills Introduced: 20 public bills, H.R. 5173–5192; and 5 resolutions, H. Con. Res. 400–402, and H. Res. 577–578, were introduced. **Pages H7650–51**

Reports Filed: Reports were filed today as follows.

H.R. 2267, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, amended (H. Rept. 106–846);

H.R. 2752, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, amended (H. Rept. 106–847);

H.R. 4521, to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, amended (H. Rept. 106–848);

H.R. 4096, to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis (H. Rept. 106–849);

H.R. 238, to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed, amended (H. Rept. 106–850);

H.R. 1349, to amend title 18, United States Code, to combat the over-utilization of prison health care services and control rising prisoner health care costs, amended (H. Rept. 106–851);

H.R. 2883, to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States, amended (H. Rept. 106–852); and

H.R. 4870, to make technical corrections in patent, copyright, and trademark laws, amended (H. Rept. 106–853).

H.R. 4404, to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes, with an amendment (H. Rept. 106–854, Pt. 1). **Page H7650**

Guest Chaplain: The prayer was offered by the guest Chaplain, Priest Venkatachalapathi Samuldrala, Shiva Hindu Temple, of Parma, Ohio. **Page H7579**

Recess: The House recessed at 9:07 a.m. and reconvened at 11:04 a.m. **Pages H7580–81**

His Excellency Atal Bihari Vajpayee, Prime Minister of India: The House and Senate met in Joint Meeting for the purpose of receiving His Excellency Atal Bihari Vajpayee, Prime Minister of the Republic of India. The Speaker appointed the following to the Committee on the Part of the House to Escort the Prime Minister into the Chamber: Representatives Armey, Delay, Watts of Oklahoma, Cox, Gilman, Bereuter, Royce, Greenwood, Gephardt, Menendez, Gejdenson, Lantos, Ackerman, Pallone,

Brown of Ohio, and Holt. And, the President Pro Tempore of the Senate appointed the following to the Committee on the Part of the Senate: Senators Lott, Lugar, Thomas, Brownback, Hagel, Chafee, Biden, Durbin, Kerry, Moynihan, and Reid.

Pages H7580–81

District of Columbia Appropriations: The House passed H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001 by a yea and nay vote of 217 yeas to 207 nays, Roll No. 474. The House also considered the bill on July 26. **Pages H7583–99**

Agreed to:

Norton amendment no. 23 printed in the Congressional Record that strikes language on the District of Columbia Health Insurance Coverage for Contraceptives Act of 2000; **Pages H7583–84**

Souder amendment No. 2 printed in H. Rept. 106–790 and debated on July 26 that prohibits the use of Federal funding for needle exchange programs (agreed to by a recorded vote of 239 ayes to 181 noes, Roll No. 473); **Pages H7597–98**

Bilbray amendment no. 3 printed in H. Rept. 106–790 that prohibits the possession of tobacco products by individuals under the age of 18 (agreed to by a recorded vote of 265 ayes to 155 noes, Roll No. 472); and **Pages H7584–88, H7597**

Tiahrt amendment No. 4 printed in H. Rept. 106–790 that prohibits the exchange of needles within 1000 feet of schools and other gathering places for children. **Pages H7588–90**

H. Res. 563, the rule that provided for consideration of the bill was agreed to on July 26.

NASA Authorization Conference Report: The House agreed to the conference report to accompany H.R. 1654, to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002 by a yea and nay vote of 399 yeas to 17 nays, Roll No. 475.

Pages H7600–07

H. Res. 574, the rule that waived points of order against the conference report was agreed to by voice vote. **Pages H7599–H7600**

Legislative Branch Conference Report: The House agreed to the conference report to accompany H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001 by a yea and nay vote of 212 yeas to 209 nays, Roll No. 477. **Pages H7608–27**

H. Res. 565, the rule that waived points of order against the conference report was agreed to by voice vote.

Energy and Water Appropriations: The House disagreed to the Senate amendment to H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Packard, Rogers, Knollenberg, Frelinghuysen, Callahan, Latham, Wicker, Visclosky, Edwards, Pastor, Forbes, and Obey. **Page H7627**

Transportation Appropriations: The House disagreed to the Senate amendment to H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Wolf, DeLay, Regula, Rogers, Packard, Callahan, Tiahrt, Aderholt, Granger, Sabo, Olver, Pastor, Kilpatrick, Serrano, Forbes, and Obey.

Pages H7627–28

Agreed to the Sabo motion to instruct conferees to insist on no less that $43,144,000, the amount provided in the Senate amendment, for the pipeline safety program. **Pages H7627–28**

Trafficking Victims Protection Act: The House disagreed with the Senate amendment to 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 and agreed to a conference. Appointed as conferees: Representatives Gilman, Goodling, Smith of New Jersey, Hyde, Smith of Texas, Johnson of Connecticut, Gejdenson, Lantos, Conyers, and Cardin. **Pages H7628–31**

Agreed to the Watt of North Carolina motion to instruct conferees to recede to the Senate on provisions contained in section 7 of the Senate amendment relating to obtaining visas for victims of trafficking without numerical limitation. **Pages H7628–31**

Presidential Message—Arctic Research: Read a letter from the President wherein he transmitted the Eighth Biennial Report of the Interagency Arctic Research Policy Committee referred to the Committee on Science. **Page H7631**

Committee to Attend the Funeral of the Late Honorable Herbert H. Bateman: Pursuant to H. Res. 573, the Chair announced the Speaker's appointment of the following members to attend the funeral of the late Honorable Herbert H. Bateman from the Commonwealth of Virginia: Representatives Bliley, Hastert, Armey, Bonior, Wolf, Boucher, Sisisky, Pickett, Moran of Virginia, Goodlatte, Scott, Davis of Virginia, Goode, Spence, Shuster, Skelton, Stump, Bereuter, Hunter, Skeen, Bilirakis, Burton,

Ortiz, Packard, Houghton, Morella, Goss, McNulty, Tanner, Bartlett, Buyer, Fowler, McKeon, Ehlers, Hostettler, LaHood, Latham, Gibbons, Riley, and Sherwood. **Page H7631**

Meeting Hour—Monday, September 18: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, September 18. **Page H7631**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, September 20. **Page H7631**

Referral: H.R. 4975 was re-referred to the Committee on Government Reform. **Page H7627**

Senate Messages: Message received from the Senate today appears on page H7579.

Quorum Calls—Votes: Three yea and nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H7597, H7597–98, H7598–99, H7606–07, and H7626. There were no quorum calls.

Adjournment: The House met at 10:30 p.m. and adjourned at 7:32 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported the following bills: H.R. 3100, amended, Know Your Caller Act; H.R. 2592, amended, to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act; H.R. 3850, amended, Independent Telecommunications Consumer Enhancement Act of 2000; H.R. 2346, to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; H.R. 1689, amended, to prohibit States from imposing restrictions on the operation of motor vehicles providing limousine service between a place in a State and a place in another State; H.R. 2641, amended, to make technical corrections to title X of the Energy Policy Act of 1992; and H.R. 1795, amended, National Institute of Biomedical Imaging and Engineering Establishment Act.

AMERICAN WORKERS—HOW TO IMPROVE PENSION COVERAGE

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on How to Improve Pension Coverage for American Workers. Testimony was heard from public witnesses.

MINE SAFETY AND HEALTH REVIEW

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on a Review of Mine Safety and Health: The State of the Industry Today. Testimony was heard from J. Davitt McAtteer. Assistant Secretary, Mine Safety and Health, Mine Safety and Health Administration, Department of Labor; and public witnesses.

ARMENIAN GENOCIDE

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on H. Res. 398, United States Training on and Commemoration of the Armenian Genocide Resolution. Testimony was heard from Representatives Bonior and Rogan; Ambassador Marc Grossman, Director General, Forest Service, Department of State; and public witnesses.

ELECTRONIC COMMUNICATIONS PRIVACY ACT

Committee on the Judiciary: Subcommittee on the Constitution approved for full Committee action, as amended, H.R. 5018, Electronic Communications Privacy Act of 2000.

ENDANGERED SPECIES ACT

Committee on Resources: Held an oversight hearing on GAO review of Endangered Species Act implementation in Southern California. Testimony was heard from Derek Stewart, Associate Director, Energy, Resources, and Science Issues, Resources, Community, and Economic Development Division, GAO; and Jamie Clark, Director, U.S. Fish and Wildlife Service, Department of the Interior.

OVERSIGHT

Committee on Resources: Subcommittee on Forests and Forest Health held an oversight hearing on Private Conservation Efforts: Lessons for National Forests. Testimony was heard from public witnesses.

DEBT RELIEF LOCK-BOX RECONCILIATION ACT

Committee on Ways and Means: Ordered reported, as amended, Debt Relief Lock-box Reconciliation Act for Fiscal Year 2001.

COMMITTEE MEETINGS FOR FRIDAY, SEPTEMBER 15, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management, to hold oversight hearings to examine Federal agency preparedness for the Summer 2000 wildfires, 10 a.m., SD–366.

House

No committee meetings are scheduled.

Next Meeting of the **SENATE**

10 a.m., Friday, September 15

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 4444, PNTR for China.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

12:30 p.m., Monday, September 18

House Chamber

Program for Monday: To be announced.

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