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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 2, 2000.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Throughout our religious history and the story of this Nation, You have tried to teach us, O Lord. In Jesus, in the prophets and even in our own times, You tell us: ''the just suffer for the unjust to lead us closer to You.''

If we read the stories with the eyes of faith, we come to see that even suffering has a purpose.

Any difficulty or period of trial can bring us closer to You, O Lord.

In the ancient story of Noah or in early patriotic stories of this Nation, You teach us that people cannot only come through periods of testing safely, they can, in their suffering, discover Your holy presence as never before.

As we listen to the stories of victims who become survivors, we marvel at the strength they find in You, O Lord. Their witness becomes our call to be renewed in faith.

Your faithfulness remains now and forever.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LATOURETTE 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.

PAY THE NATION'S BILLS

(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, when I was getting ready to come to Washington today, I put on this suit which I had not worn in quite a while; and when I reached into my pocket, I found, much to my surprise, a $10 bill.

I pulled it out and said to my wife, Dawn, ''Look, honey, $10.'' It was kind of like having free money.

But she quickly reminded me and shook her head, took the $10, and told me that we still had bills to pay.

It reminded me of the budget battle that we are facing today here in this House. And since our Democrats like our Nation's surplus, think of it as free money, but it is not.

My colleagues, we still have a big bill to pay of our Nation's public debt. And the surplus would not have been possible without the common sense policies of this Republican Congress. And now we must exercise the same responsibility with the surplus and reject the Democrats' big spending plans.

We can pay down the national debt and meet this Nation's most pressing needs, like enacting prescription drug plans that offer seniors real choice. But we must commit 90 percent of the surplus to paying our bills to wiping out our public debt, because no one is going to reach into the pocket of an old suit and pull out $6.5 trillion.

SALUTING 100TH ANNIVERSARY OF BELLWOOD, ILLINOIS

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

Mr. DAVIS of Illinois. Mr. Speaker, today I rise to salute the village of Bellwood, Illinois, which is celebrating its 100th year anniversary. It is a quiet,

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quaint little village made up of some of the finest people in this country.

One of the ways that they decided to celebrate their 100th year anniversary was to give away 100 appreciation slips to individuals who had performed acts of kindness. And so, anybody who wanted to submit a person who performed an act of kindness in the village of Bellwood, all they had to do was submit to the mayor.

So I commend Mayor Donald T. Lemm, all of the members of the board of trustees, and wish them another great 100 years.

STAR WITNESS IN PAN AM 103 TRIAL IS CIA INFORMANT

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

Mr. TRAFICANT. Mr. Speaker, the star witness in the Pan Am 103 trial turns out to be a paid CIA informant who lied through his teeth. Reports say his testimony was so phoney his nose is still growing.

Beam me up, Mr. Speaker.

The families of the victims deserve the truth.

An original Mossad report said that Iran hired Ahmed Jibrial and all this attention on Malta is simply to cover up a drug run from Frankfurt to New York by an operative who was close to the CIA that embarrasses the CIA.

It is time to investigate the truth.

I yield back the fact that, if these two Libyans were responsible for blowing up Pan Am 103, they have already choked on a chicken bone in a jail cell of Qadhafi's.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

LARRY SMALL POST OFFICE BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4315) to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building.''

The Clerk read as follows:

H.R. 4315

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

SECTION 1. LARRY SMALL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, shall be known and designated as the ''Larry Small Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Larry Small Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4315.

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

There was no objection.

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

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

Mr. LATOURETTE. Mr. Speaker, I rise today in support of H.R. 4315.

Mr. Speaker, today I ask my colleagues to support H.R. 4315, which will designate the post office located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building.''

I can really think of no person more deserving of this honor than Larry Small. My colleagues would be hard pressed, Mr. Speaker, to find a person who cares for, about, or has done more for the city of Beachwood, Ohio, a thriving Cleveland suburb. I am pleased that all 19 members of the Ohio delegation are supporting this measure, as required by the rules of our subcommittee.

Mr. Speaker, Larry Small, at the young age of 82, decided to retire last year after 32 years serving on the Beachwood City Council and numerous civic organizations. He prides himself on being a voice of the people and is just as accessible and helpful to the common man as those in loftier positions. He counts among his friends my good friend and colleague, the gentlewoman from Ohio (Mrs. JONES).

The gentlewoman from Ohio (Mrs. JONES) and I have the honor of splitting in this world of gerrymandering the city of Beachwood, Ohio; and she is a cosponsor of this legislation.

I would note, for the RECORD, that travel difficulties make it impossible for her to be here at this hour; and even though I have asked for general leave, Mr. Speaker, I specifically ask unanimous consent that the gentlewoman from Ohio (Mrs. JONES) have the opportunity to supplement the RECORD.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, Mr. Small also counts among his friends former Congressman Ed Feighan and also worked with George Stephanopolous when he was a staffer for Congressman Feighan.

Larry Small has witnessed the tremendous transformation and growth of Beachwood over the last four decades.

In 1960, when Beachwood first attained city status, it had a population of just over 6,000 residents. Today there are more than 2,900 homes, more than 21 apartments and condominiums, and the population exceeds 12,000. The city covers just six square miles.

When Larry Small was first elected to the Beachwood Council, the city has had a tax duplicate of less than $50 million. Today it is more than half a billion dollars.

Larry is credited with developing a full-time fire department and bringing parademics to the city's safety forces. He has been a loyal friend to the police and fire departments over the years. He is also responsible for enacting a city ordinance making gun owners responsible for the safe and secure handling and storage of their firearms.

Mr. Speaker, Larry Small was also behind the creation of the city's human services department. And let me tell my colleagues that that department is certainly responsive to the residents' needs, particularly those of the elderly.

For example, the department has joined forces with Beachwood High School to offer free driveway apron and walkway snow shoveling to the residents in the city over the age of 60. And I want to tell my colleagues that this is no small undertaking, as the city of Beachwood lies within the snowbelt in Cleveland.

In this unique program, members of the high school's freshman class have volunteered their time to shovel so the lives of the city's elderly population are made easier. All the older residents have to do is call up the high school, the human services department and the student will come to their home and shovel at their earliest convenience.

Larry Small also deserves credit for overseeing the development of most of the great recreational facilities in Beachwood, including the Beachwood pool. As a matter of fact, rumor has it that Larry carried around the blueprints of the swimming pool in the trunk of his car for 8 months after the pool was completed. He has been dubbed the ''Father of the Beachwood Pool'' by the local newspaper.

Larry Small, Mr. Speaker, is not just a wonderful guardian of the city of Beachwood but also anyone in need. When he was on the council, he personally responded to about a thousand calls from residents each year.

Now, though formally retired from the city council, Larry Small still gets up each day at 5:30 in the morning,

heads to his day job as a seniors affair specialist for the county. He is always there to help other seniors or point them in the right direction. He is a champion of senior rights.

Mr. Speaker, the city of Beachwood, Ohio, honored Larry Small by designating December 20, 1999, as ''Larry Small Day.'' It is now time for the Congress to honor him as well and name the post office on Green Road in Beachwood the ''Larry Small Post Office Building.''

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Subcommittee on the Postal Service, I am pleased to join with my subcommittee chairman, the gentleman from Ohio (Mr. LATOURETTE), in the consideration of H.R. 4315, a bill to designate a facility of the U.S. Postal Service after Larry Small.

H.R. 4315 was introduced by the gentleman from Ohio (Mr. LATOURETTE) on April 13, 2000, and originally cosponsored by the gentlewoman from Ohio (Mrs. JONES).

I am pleased to note that H.R. 4315 enjoys the support and cosponsorship of the entire Ohio congressional delegation.

Mr. Small, a young man of 82 years, has been recognized for his untiring efforts to serve his community of Beachwood, Ohio. He recently retired after serving 32 years as a member of the Beachwood City Council.

Anybody who would serve 32 years on a city council deserves all of the recognition and honor that they can get any time no matter which city they are from but certainly, from Beachwood. He is indeed deserving of the honor. Currently he serves as a senior affairs specialist for the county.

As an active member of the city council, Mr. Small was responsible for establishing a paramedic unit, creating a human resources department, and for ensuring the enactment of a city ordinance making gun owners responsible for the safe and secure handling of their firearms. And for that he should not just be honored, he should receive a badge of merit.

Mr. Speaker, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Ohio (Mrs. JONES) are to be commended for seeking to honor such an individual, a man of wisdom whose commitment and vision are an inspiration to all of those who have known him. And so, accordingly, I would urge the swift consideration of this bill.

Mr. Speaker, I commend the gentleman from Ohio (Mr. LATOURETTE) on the selection of an outstanding individual to be honored.

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

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

Mr. Speaker, I just want to thank my distinguished colleague, the gentleman from Illinois (Mr. DAVIS) for his comments.

I urge our colleagues to support the bill.

Ms. JONES of Ohio. Mr. Speaker, it gives me great pleasure to speak on support of this legislation. I can think of no one more deserving of this tribute.

Larry Small served with distinction on the Beachwood City Council for 32 years, retiring just recently at the age of 82. Mr. Small is so well thought of by his neighbors that they paid tribute to him by declaring December 20, 1999 "Larry Small Day."

Larry Small is an exceedingly modest man never seeks to bring attention to his many accomplishments and contributions. So let me do it for him:

Over the years, Mr. Small has done many things, great and small, to improve his community and to enhance the lives of his neighbors. For example, he brought paramedics to the city's safety forces and vigorously supported the police and fire departments. He is also responsible for enacting a city ordinance making gun owners responsible for the safe and secure handling and storage of their firearms. He also created Beachwood's Human Services Department, a department that responds to residents' needs, particularly the elderly.

Retirement from City Council doesn't mean that Larry Small has retired from his commitment to his community. In fact, he continues at full pace to brighten the lives of others. Mr. Small still gets up at 5:30 a.m. and heads to his day job as a seniors affairs specialist for the county.

When we look back on these times, it won't be the great names and famous faces that we most remember, but those quiet, humble, yet so effective public servants like Larry Small who will stand out in our hearts and memories. We all owe a debt of gratitude to Larry Small and those like him who walk humbly and serve others. For this reason, I am so pleased that we can thank Mr. Small for all he has done for us by naming the post office in his beloved city of Beachwood after him.

So it gives me great pleasure to have a chance to support this piece of legislation. I stand wholeheartedly in support of this bill and congratulate my colleagues in moving to passing this legislation to rename the post office in Beachwood, Ohio after our great friend, Larry Small.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4315.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1415

CELEBRATING THE BIRTH OF JAMES MADISON

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 396) celebrating the birth of James Madison and his contributions to the Nation.

The Clerk read as follows:

H. CON. RES. 396

Whereas March 16, 2001, is the 250th anniversary of the birth of James Madison, Father of the United States Constitution and fourth President of the United States;

Whereas the ideals of James Madison, as expressed in the Constitution he conceived for the American Nation and in the principles of freedom he established in the Bill of Rights, are the foundations of American Government and life;

Whereas James Madison's lifetime of public service, as a member of the Virginia House of Delegates, as a delegate to the Continental Congress during the American Revolution, as a delegate to the Constitutional Convention in 1787, as a leader in the House of Representatives, as Secretary of State, and as the Nation's fourth President, are an inspiration to all men, women, and children in the conduct of their personal and private lives; and

Whereas the ideals and inspiring example of James Madison are of utmost importance to the future of the American Nation as it enters a new millennium: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the historical significance of James Madison's birth, as well as his contributions to the Nation during his lifetime;

(2) urges all American patriotic and civil associations, labor organizations, schools, universities, historical societies, and communities of learning and worship, together with citizens throughout the United States, to develop appropriate programs and educational activities to recognize and celebrate the life and achievements of James Madison; and

(3) requests that the President issue a proclamation recognizing the 250th anniversary of the birth of James Madison and calling upon the people of the United States to observe the life and legacy of James Madison with appropriate ceremonies and activities.

The SPEAKER pro tempore (Mr. Pease). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 396.

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

There was no objection.

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

I am pleased today to rise in support of H. Con. Res. 396, which celebrates the 250th anniversary of James Madison's birth and his contributions to this great Nation.

This resolution recognizes the historical significance of Madison's birth and his many contributions to the United States during his lifetime. It also encourages American patriotic and civic

associations, historical societies, schools, universities, and other organizations to develop appropriate programs and educational activities to recognize and celebrate the life of this remarkable man.

Finally, Mr. Speaker, the resolution asks that the President issue an appropriate resolution to recognize the importance of his birth and call upon the people of the United States to observe Madison's life and legacy with appropriate ceremonies and activities.

Mr. Speaker, it is impossible to do justice to James Madison's achievements and the importance of his life and thought to America in the brief time allotted to us today. His was truly one of the most consequential lives in American history. His biography is also a history of the founding of this great Nation.

Let me today simply attempt to sketch some aspects of his life. Madison was born in 1751 and was raised in Orange County, Virginia. He attended what is now Princeton University; and he became well read in history, government, and the law. He participated in the framing of the Virginia constitution in 1776, served in the Continental Congress, and was an important figure in the Virginia Assembly. He was also, of course, Thomas Jefferson's Secretary of State and the fourth President of the United States.

Madison's greatest contribution, however, may have been his role in framing the Constitution of the United States. As a delegate to the Constitutional Convention at Philadelphia, Madison was a leading participant in the debates of that body. Along with John Jay and Alexander Hamilton, Madison also contributed to securing the ratification of the Constitution by authoring parts of the Federalist Papers. Not only were the Federalist Papers important in persuading his contemporaries to ratify the Constitution, they are consulted to this day by judges, lawyers, political scientists and others who seek an understanding of the framers' intent.

Madison's ''Notes on the Constitutional Convention'' are also our primary source of information on the debates at the Constitutional Convention. As a Member of Congress, Madison was instrumental in framing the Bill of Rights. Madison's contributions to the drafting and ratification of the Constitution were so great, Mr. Speaker, that he is often referred to as ''the father of the Constitution.''

Mr. Speaker, there is much more to say about James Madison and his continuing importance to all Americans, much more than can be covered here today. I encourage all Americans to learn about this man whose ideals and principles are, as the resolution recognizes, ''the foundations of American government and life.'' As the resolution states, the ''ideals and inspiring example of James Madison are of utmost importance to the future of the American Nation as it enters a new millennium.''

That is why I urge all Members to support this resolution.

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

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

I first of all want to thank the gentleman from Virginia (Mr. BLILEY) for this resolution. I want to thank the gentleman from Ohio (Mr. LATOURETTE), and I want to associate myself with his words that were just spoken.

Mr. Speaker, James Madison, a young aristocrat who began his public career in public service at age 23, would become indelibly linked to three great works of American democracy: the Constitution, the Federalist Papers, and the Bill of Rights.

In 1776, Madison was a member of the Virginia constitutional committee, a body that drafted Virginia's first constitution and a bill of rights which later would become a model for the Bill of Rights appended to the United States Constitution. When Madison was elected to the United States House of Representatives, he became the primary author of the first 12 proposed amendments to the Constitution. Ten of these, the Bill of Rights, were adopted.

At the Constitutional Convention, which opened on May 25, 1787, Madison set the tone by introducing a document he authored called ''The Virginia Plan.'' The plan called for a strong central government consisting of a supreme legislature, executive and judiciary. It provided for a national legislature consisting of two houses, one elected by the people and the other appointed by the first from a body of nominees submitted by State legislatures. Representation in these bodies would be based on the population of the States. It provided for an executive to be elected by this national legislature. The plan also defined a national judiciary and a council of revision charged with reviewing the constitutionality of legislation.

As the driving force in the formation of the Constitution, James Madison organized the convention, set the agenda, and worked through many obstacles that threatened the process. The notes he took throughout the convention constitute this country's best and most complete record of the 1787 Constitutional Convention. Madison's notes, which comprise a third of the Federalist Papers, were published in the 1830s.

As we honor James Madison today, we remember his role in the great debate on slavery. He openly acknowledged that slavery was a great evil, was a member of an antislavery society, and even authored a plan for the emancipation of slaves. Nevertheless, history documents that he continued to regard and hold slaves as property until his death. In fact, he himself said that slaves remain such in spite of the declarations that all men are born equally free.

As I reflect on this serious dichotomy, I am mindful of a quote from Madison's 1810 State of the Union address that is applicable to our modern society.

He stated that ''American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity and in defiance of those of their own country. The same just and benevolent motives which produced interdiction in force against this criminal conduct will doubtless be felt by Congress in devising further means of suppressing the evil.''

It is my hope that 190 years later, this Congress heeds these words and makes a strong commitment to suppressing the evil of racism and prejudice against minorities that exists today.

As this Congress labors through this week to complete its work on the many pending appropriations bills, I urge my colleagues to keep one of Madison's messages on public leadership in mind. Mr. Speaker, he said, ''The aim of every political constitution is, or ought to be, first to obtain for rulers men and women who possess most wisdom to discern, and most virtue to pursue, the common good of the society.''

I believe that all of us who are elected, Mr. Speaker, to serve in the Congress come to serve the common good and hope that when we conclude this session it is reflected in the work we have done.

Mr. Speaker, I urge my colleagues to vote in favor of this very important and significant resolution.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Virginia (Mr. BLILEY), the author of the resolution and the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. I thank the gentleman for yielding me this time.

Mr. Speaker, as the proud holder of the congressional seat first held by James Madison, I introduce House Concurrent Resolution 396 in order to celebrate the 250th anniversary of his birth. I am hopeful that passage of this resolution will encourage our schools, museums, historical societies, and citizens to rediscover the important role James Madison played in founding this Nation.

While the actual anniversary is not until March 16, 2001, quick passage of this resolution will give these interested groups the time to plan events, exhibitions, and lessons in his honor. We can use this anniversary to highlight Madison's tireless service on behalf of the Commonwealth of Virginia and this country.

While many remember James Madison as our Nation's fourth President, he also served as a member of the Virginia House of Delegates, as a delegate to the Continental Congress during the

American Revolution, as a delegate to the Constitutional Convention in 1787, as a leader in the House of Representatives, and as Secretary of State. For his many years in public service, we are a grateful Nation. The anniversary also affords us the opportunity to fully appreciate Madison's role as one of the Founding Fathers.

The United States has become a thriving, powerful Nation largely because of the sound principles established by our Founding Fathers in the Constitution. These principles have endured despite the passage of many years and having guided this Nation through challenging times.

As Members of this deliberative body, we have from time to time disagreed on the details of various legislative proposals. However, we remain steadfast in our support for the fundamental principles which serve as the foundation of our government.

James Madison, commonly referred to as the Father of the Constitution, ensured the inclusion of these principles in the Constitution and therefore deserves due credit. I would also like to point out that we hear a lot of talk these days and have in the past few years about term limits. That matter was on the floor of the Constitutional Convention in 1787. Mr. Madison said, and I think quite rightly, the answer is not term limits; the answer is frequent elections so that the public can choose between experience and somebody new.

The contributions he made during his lifetime of public service are his enduring legacy and should be commemorated. I thank the gentleman from Maryland for his kind words.

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

Mr. Speaker, I want to first associate myself with the distinguished gentleman from Virginia's comments. I just want to quote a letter to W.T. Barry from President Madison dated August 4, 1822. It is one of my favorite quotes, Mr. Speaker, and I will end with this. He said:

''A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives.''

He goes on to say, ''Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty.''

Mr. Speaker, I again thank everybody who had anything to do with bringing this resolution to this floor today. I urge all of my colleagues to vote in favor of it.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time. I want to commend the gentleman from Virginia (Mr. BLILEY) for not only introducing this resolution but also pushing so hard to make sure that it was brought to the floor today. I also want to thank the gentleman from Florida (Mr. SCARBOROUGH), who is the chairman of the Subcommittee on Civil Service of the Committee on Government Reform, and the gentleman from Maryland (Mr. CUMMINGS), who is the ranking member. Also thanks go out to the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), the chairman and ranking member, for their support as well.

Mr. Speaker, this is a good resolution. I urge the House to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 396.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CLIFFORD P. HANSEN FEDERAL COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1794) to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse''.

The Clerk read as follows:

S. 1794

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

SECTION 1. DESIGNATION OF CLIFFORD P. HANSEN FEDERAL COURTHOUSE.

The Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, shall be known and designated as the ''Clifford P. Hansen Federal Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal courthouse referred to in section 1 shall be deemed to be a reference to the Clifford P. Hansen Federal Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, S. 1794 designates the Federal courthouse in Jackson, Wyoming, as the Clifford P. Hansen Federal Courthouse.

Senator Hansen was born in Zenith, Wyoming, in 1912. He attended the University of Wyoming where he would later serve on the university's board of trustees for over 2 decades. Shortly after graduating, he became a member of his local school board and began his lengthy and distinguished career as a public servant.

In 1963, he was elected governor of Wyoming and after completing his term was elected to serve Wyoming in the United States Senate. During his two terms as Senator, he was a crusader for the interests of the citizens of Wyoming and a guardian of private land ownership.

□ 1430

Upon completing his second term, Senator Hansen remained in his native State, continuing to serve the people of Wyoming in various capacities. The naming of this courthouse is a fitting tribute to a highly respected public servant. I urge my colleagues to support the bill.

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

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

Mr. Speaker, S. 1794 is a bill to designate the Federal Courthouse in Jackson, Wyoming, after one of Wyoming's most illustrious native sons, Clifford Hansen. Cliff Hansen was the Senator from Wyoming from 1967 until 1978. Prior to coming to the Senate, he served as the State's Governor from 1963 to 1966. His public career spans four decades of service to the citizens of Wyoming.

Beginning in the mid-1940s, Cliff Hansen worked to preserve the State's role in determining grazing issues, as well as tax issues associated with the creation of public lands. He was an advocate of mine safety and became a leader in determining the national energy policy.

Senator Hansen was vigilant in protecting Wyoming's fair share of royalties from oil and gas exploration. During his tenure in the Senate he worked with Senator Ribicoff to redefine the Tax Code to provide for equitable treatment of estate taxes for family-owned businesses.

It is fitting and proper to honor the former Governor and Senator, Cliff Hansen, by designating the Federal Courthouse in Jackson, Wyoming, in his honor, and I am pleased to join in doing so.

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I rise today to honor one of Wyoming's most prized possessions and most precious assets, former United States Senator and Wyoming Governor Clifford P. Hansen.

Today I join my colleagues and the people of Wyoming to honor Cliff Hansen by designating the Jackson, Wyoming, Federal Courthouse in his name.

Senator Hansen is a true Wyoming statesman. He has helped make our State special and our people proud of him and of our own heritage and who we are.

Senator Hansen and his wife, Martha, recently celebrated their 65th wedding anniversary. With their children, their grandchildren, and even great grandchildren, the Hansen family is a colorful thread in the fabric that makes Jackson Hole, Wyoming, and the surrounding areas and Wyoming itself unique.

Cliff Hansen lives in Jackson Hole at the foot of the famed Tetons. His achievements as both a United States Senator and a person are as majestic as those towering peaks. Our goal as fellow public servants should be to aspire to climb to the same personal heights that Senator Hansen achieved.

Senator Hansen has been a respected figure of public service in Wyoming and the American landscape for more than 40 years. He began at the local school board, was elected a Teton County Commissioner, moved on to the State House in Cheyenne as Wyoming's 26th Governor, and finally came here to Washington as a distinguished Member of the United States Senate.

Senator Hansen was so well regarded and his leadership so clear that President Ronald Reagan asked him to be Secretary of the Interior not once, but twice. With his experience and his expertise regarding our public lands and the environment, there is no doubt he would have done an excellent job had he accepted.

He is quick to care, astutely understanding, and finds the best solutions to fit the need placed before him. Next to my own father, Senator Cliff Hansen is the man that I admire most. He and his loving wife, Martha, are wise, dear and trusted friends. Senator Cliff Hansen's remarkable accomplishments and distinguished record have made for an admirable career.

Wyoming has enjoyed a rich history of outstanding leaders and strong individuals. These men and women have sought the best for our small towns with big expectations. They have exemplified what it means to be a community leader.

Gracing the Federal Courthouse in Jackson Hole, Wyoming, with the great name of Clifford P. Hansen, considering that great legacy, is an appropriate symbol for what he and Wyoming stand for.

I ask my colleagues for their support of this legislation.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1794.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

THEODORE ROOSEVELT UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5267) to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the ''Theodore Roosevelt United States Courthouse.''

The Clerk read as follows:

H.R. 5267

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

SECTION 1. DESIGNATION.

The United States courthouse located at 100 Federal Plaza in Central Islip, New York, shall be known and designated as the ''Theodore Roosevelt United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Theodore Roosevelt United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 5267 designates the United States Courthouse in Central Islip, New York, as the Theodore Roosevelt United States Courthouse.

Theodore Roosevelt was born in New York City in 1858. He attended Harvard University, where he was elected Phi Beta Kappa and graduated in 1880. At the age of 23, he became a Member of the New York State Assembly. He served in the Assembly until 1884, when President Benjamin Harrison appointed him to the United States Civil Service Commission.

In 1897, President William McKinley appointed him Assistant Secretary of the Navy. During the Spanish-American War he resigned as Assistant Secretary and organized the First Regiment, United States Volunteer Cavalry, known as Roosevelt's Rough Riders. In 1899, he was elected Governor of New York and served for 1 year before being elected Vice President of the United States on the Republican ticket headed by President McKinley.

In September 1901, President McKinley was shot and died 3 days later in Buffalo, New York. On September 14, 1901, President Roosevelt took the oath of office and became President of the United States at the tender age of 42.

President Roosevelt championed reform legislation such as the Pure Food and Drug Act, the Meat Inspection Act and the Hepburn Act, which empowered the government to set railroad rates. During Roosevelt's Presidency the government initiated 30 major irrigation projects, added 125 million acres to the national forest reserves, and doubled the number of national parks.

Upon leaving office, President Roosevelt settled in Oyster Bay in Nassau County, New York, and engaged in literary pursuits. He passed away in 1919.

This designation is a fitting tribute to the 26th President of the United States. President Roosevelt was a Nobel Peace Prize recipient and well regarded for his conservation efforts.

I support this measure and urge my colleagues to do the same.

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

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

Mr. Speaker, I strongly support H.R. 5267, a bill to designate the United States Courthouse in Central Islip, New York, in honor of Theodore Roosevelt, the 26th President of the United States.

When Mr. Roosevelt became President, at not quite the age of 43, he became the youngest President in our Nation's history. With his youth and vigor he brought new excitement and vision to the Presidency as he led the country and the Congress and the executive branch toward progressive reforms and a strong foreign policy.

His civic career began as a 23-year-old person, when he was elected to the New York Assembly. He served also as the Police Commissioner for his birthplace, the City of New York, as Assistant Secretary for the U.S. Navy, and as Governor of New York.

During the Spanish-American War, he was a lieutenant colonel in the Rough Rider Regiment and became one of the war's most conspicuous heroes.

As President, Roosevelt viewed his role as ''steward'' for the American public. He believed he should take any necessary action for the public welfare, unless expressly forbidden by the Constitution or by law.

He strongly believed and endorsed a central role for the government, especially in arbitrating conflict between capital and labor. He was a ''trust buster'' par excellence. He ensured the construction of the Panama Canal to strengthen America's strategic position.

He was a leader in conservation, and many of his accomplishments are with us today, for example, the Grand Canyon, Muirs Woods and Devils Tower. We are thankful to him for establishing the Park Service and the National Park System. He was a champion of reserving open land for public use, and fostered irrigation projects as well as preserving land for game and bird sanctuaries. He received the Nobel Peace Prize for negotiating peace in the Russo-Japanese War. An inspiring speaker, he advocated a strenuous outdoor life.

Roosevelt holds a revered place in American history, and this designation is a fitting honor to the extraordinary life of this great President.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5267.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

OWEN B. PICKETT UNITED STATES CUSTOMHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5284) to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Customhouse''.

The Clerk read as follows:

H.R. 5284

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

SECTION 1. DESIGNATION.

The United States customhouse located at 101 East Main Street in Norfolk, Virginia, shall be known and designated as the ''Owen B. Pickett United States Customhouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States customhouse referred to in section 1 shall be deemed to be a reference to the ''Owen B. Pickett United States Customhouse''.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 3, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 5284 designates the United States customhouse, in Norfolk, Virginia, as the Owen B. Pickett United States Customhouse.

Congressman PICKETT was born in Richmond, Virginia, and attended public schools. He is a graduate of Virginia Tech and the University of Richmond School of Law. In addition to being admitted to the Virginia and District of Columbia bar, he is also a certified public accountant.

Congressman PICKETT began his distinguished career in public service in 1972, when he was elected to the Virginia House of Delegates. While he was in the House of Delegates, Congressman PICKETT served on numerous boards and committees within the local community.

After 14 years in the House of Delegates, Congressman PICKETT was elected to the United States House of Representatives in 1986. Representing Virginia's Second District, which consists of the Nation's largest military complex of facilities serving commands of the Navy, Army, Coast Guard and the NATO Atlantic Command, Congressman PICKETT has been an ardent supporter of our Nation's military. Accordingly, he sits on the Committee on Armed Services and is the ranking member of the Subcommittee on Military Research and Development.

Congressman PICKETT is also a member of the Congressional Study Group on Germany, as well as the Congressional Study Groups on Japan and the Duma-Congress. He participated in the first Congress-Bundestag-Japanese Diet Trilateral seminar.

OWEN PICKETT is retiring from his lengthy and productive career in this body at the conclusion of this 106th Congress. While we will be losing a valuable Member, this legislation is a fitting gesture of our appreciation of his fine service.

I urge my colleagues to support the bill.

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

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

Mr. Speaker, I support H.R. 5284 as a fitting tribute to OWEN PICKETT. His service to the citizens not only of the second district of Virginia, but also to the citizens of this Nation, is exemplary. We owe a debt of gratitude to Congressman PICKETT for his diligence in pursuing military matters in particular.

Since he was first elected to Congress in 1986, OWEN PICKETT has devoted himself to ensuring that the United States military is technologically ready and superior to any other military force. He supported veterans programs, and a strong U.S. flag merchant fleet.

In addition to being a dedicated public servant, OWEN PICKETT is a lawyer and a certified public accountant. He is a devoted husband, father and grandfather to seven grandchildren. Mr. PICKETT is known as tenacious, but also as a gentleman, a willing listener and a consensus builder.

Mr. Speaker, this bill has broad bipartisan support, and every member of the Virginia delegation supports the bill. It is a most fitting to honor Mr. PICKETT with this designation.

Mr. SCOTT. Mr. Speaker, it is my pleasure to speak in support of the bill H.R. 5284, to name the U.S. Customhouse in Norfolk, Virginia, after our colleague, OWEN PICKETT, who will be retiring at the end of this session.

Mr. Speaker, the Members of the Virginia Congressional Delegation pride ourselves on our ability to work together for the common good of all who reside within the Commonwealth of Virginia. The fact that the Customhouse continues to serve its role in Hampton Roads is a perfect example of that, because while this building is physically located in the Third Congressional District, which I represent, OWEN interceded in the effort to preserve this 141 year old structure, which has been symbolic of the history of Norfolk and all of Hampton Roads.

The American flag was first raised over this building during the Civil War, and it has seen numerous renovations in its history.

Norfolk was one of the first ports in the Nation to have a customs office, and the Customhouse in Norfolk remains the first Federal building constructed in Virginia for business operations. It has been designated as one of the 12 most outstanding buildings constructed in Virginia since the Revolutionary War, and it is listed on the National Register of Historic Places.

Notwithstanding that history, when the new Federal Building in Norfolk was completed, employees of the Customs Service were moved out of the Customhouse and it was contemplated that the building would be turned into a restaurant or museum. But OWEN PICKETT demonstrated the leadership that makes things happen. He brought together the interested parties within the City of Norfolk, the General Services Administration and the U.S. Customs Service and secured the necessary funding for the renovation. On September 19 of this year, I was proud to participate, along with OWEN, in a ceremony to reopen the newly refurbished Customhouse in Norfolk.

Mr. Speaker, this is but one example of OWEN's record of public service. For nearly 29 years, he has worked tirelessly for the residents of his district and the Nation. He served 15 years in the Virginia General Assembly, and almost 14 years now he has represented the Second Congressional District of Virginia in the House of Representatives.

Prior to our service in Congress, OWEN PICKETT and I both served in the Virginia House of Delegates, where he was known as a conscientious and dedicated public servant. This reputation has continued with his service in Congress.

Representative PICKETT serves on the Committee on Armed Services. He is the ranking member on the Subcommittee on Military Research and Development, and he serves on the Subcommittee on Readiness. Throughout his career he has been a staunch advocate of our military and has championed the quality of life issues affecting military families. The Hampton Roads community has a significant military presence, including Oceana Naval Air Station and the Norfolk Naval Base, and I know our military community will miss OWEN and his steadfast advocacy on their behalf.

In addition to ensuring that our country is prepared to overcome any

threats to our national security, OWEN has been on the front line of protecting our Nation's environment. As a member of the Committee on Resources, he has fought hard to remind his colleagues in Congress of the importance of a balanced approach to the protection of our natural resources and the environment.

As we head into the final weeks of this legislative session, Congressman PICKETT will no doubt continue to demonstrate his leadership in the House. By passing the bill, H.R. 5284, the Owen B. Pickett U.S. Customhouse will serve as a lasting reminder of his leadership and his dedication to the Second District of Virginia and to our Nation.

□ 2000

Mr. WELDON of Pennsylvania. Will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank my friend for yielding to me.

Mr. Speaker, I want to add to the gentleman's comments. I could not agree more with everything that the gentleman from Virginia said. I have had the pleasure of serving as the chairman of the Subcommittee on Military Research and Development and the gentleman from Virginia (Mr. PICKETT) is the ranking member. There is probably no finer gentleman in this Congress in either party someone who is dedicated, hard-working, conscientious and someone who I have the highest respect for.

Mr. Speaker, I just wanted to add my comments to that of the gentleman from Virginia (Mr. SCOTT) and will associate everything that he said about the gentleman from Virginia (Mr. PICKETT), applaud him for his positive note of the leadership of the gentleman from Virginia (Mr. PICKETT), and hope that our colleagues on both sides of the aisle will join in supporting the legislation the gentleman referred to.

Mr. ORTIZ. Mr. Speaker, I rise in support of H.R. 5284, designating the Owen B. Pickett U.S. Customhouse.

I want to commend the House for considering this legislation today because our colleague who is retiring shortly is indeed worthy of such an honor. I have worked with OWEN for the entire time I have served in the U.S. House of Representatives and he is a man who epitomizes the sort of public servant whose service is dedicated to his community.

I have traveled all over the world with OWEN in the pursuit of understanding the evolving needs of our uniformed military service members. You learn much about your colleagues when you travel together.

In Washington, OWEN is a hard-working member of the House Armed Services Committee and the Resources Committee. When you see him on the House floor, you might never know that this easy-going guy is wild at heart. He is a Harley-rider. He is also a surfer. None of these pastimes seemed even remotely consistent with the things I knew about OWEN from our work together in the House.

Also, for the last Congress, OWEN has been my across-the-hall neighbor in the Rayburn building. He is a generous host for me when I seek a change of scenery and we visit in his office until we get interrupted.

Designating a customhouse for OWEN PICKETT is a fitting tribute for a man who understands the importance of international trade to the economic development and well-being of his Tidewater constituents in Virginia.

If there is one thing that I would want to make sure everyone knows about OWEN, it is this: he is a tireless advocate for the constituents in his congressional district and for the men and women who serve the United States in our military's uniform.

Mr. Speaker, I commend the House for considering this legislation, and I urge its passage.

Mr. DAVIS of Virginia. Mr. Speaker, it is my privilege to rise today to honor our colleague, OWEN PICKETT of Virginia's 2nd Congressional District. After 29 years of serving the citizens of Virginia Beach and Norfolk, as well as the entire Commonwealth of Virginia, Mr. PICKETT has decided to retire from the United States House of Representatives.

My colleague, Mr. PICKETT, is a member of the Armed Services Committee and is the ranking member of the Subcommittee on Military Research and Development and serves on the Readiness Subcommittee and the MWR Panel. The 2nd Congressional District is heavily dependent on the massive concentration of naval installations, shipbuilders and shipping firms in the Hampton Roads harbor area, which ranks first in export tonnage among the nation's Atlantic ports.

The United States Navy Atlantic Fleet berthed in its home port of Norfolk is one of the greatest awe-inspiring sights in America, or anywhere. The aggregation of destructive power in the line of towering gray ships is probably greater than that of any single port in history. Over 100 ships are based here, with some 100,000 sailors and Marines, some $2 billion in annual spending. For these reasons, Congressman PICKETT has been an outspoken advocate for a strong, technologically superior military and has been tenacious in supporting military bases in his district. Mr. PICKETT, together with Senator JOHN WARNER and the late Congressman Herbert H. Bateman, have provided tremendous leadership on behalf of Virginia. Other issues on which he has taken a strong position are the U.S.-flag merchant fleet, private property rights, public education, veterans programs and a balanced Federal budget.

Mr. PICKETT was born in Hanover County, Virginia, outside Richmond on August 31, 1930 and was the youngest of three children. He attended the public school system and is a graduate of Virginia Tech and the University of Richmond School of Law. He was first elected to the United States Congress in 1986. With old Virginia roots, he was elected to the Virginia House of Delegates in 1971, at the age of 41, where he was known as a fiscal conservative and for his hard work restructuring the state retirement system.

By the time Mr. PICKETT won the Congressional seat vacated by retiring Republican G. William Whitehurst in 1986, Mr. PICKETT had already served as chairman of the state Democratic Party, headed a Democratic presidential campaign in Virginia and served long enough in the state House of Delegates to be a senior member of the Appropriations Committee.

In the House, Mr. PICKETT showed his political acumen by getting a new seat created for him on the National Security Committee and getting a seat on the old Merchant Marine Committee as well—two crucial spots for any Norfolk congressman. Much of Mr. PICKETT's work has been in supporting Hampton Roads military bases and defense contractors, and revitalizing the shipbuilding industry and merchant marine. That work has been successful. Newport News Shipbuilding and Drydock has been building three *Nimitz*-class aircraft carriers in the 1990s, and has effectively ensured that there is no industry monopoly on building nuclear submarines. The Norfolk Navy Shipyard under Mr. PICKETT's guidance has survived four rounds of base-closings and calls for privatization.

Mr. Speaker, I join with my fellow Virginian colleagues in thanking Congressman OWEN PICKETT for his service to the Commonwealth and to our nation.

Mr. BLILEY. Mr. Speaker, I rise today in support of this legislation naming a U.S. customhouse in Norfolk in honor of my good friend and colleague OWEN PICKETT.

During his 14 years in Congress, OWEN has been an outspoken advocate of a strong military and his commitment to military personnel and their families will leave a lasting mark on this nation for years to come.

His expertise on these matters will always be remembered by a grateful nation.

Along with his commitment to military readiness, OWEN has been an avid proponent for veterans, better public schools and a balanced federal budget.

He has been a tireless advocate in supporting Hampton Roads military bases and revitalizing the shipbuilding industry and merchant marine.

Upon his retirement, this nation and this Congress will lose a conscientious and very able legislator.

I would like to thank Mr. SCOTT for introducing this fitting tribute to a true gentleman and friend.

I wish OWEN all the best in his retirement.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of H.R. 5284, which would name the United States Customhouse in Norfolk, Virginia, after our retiring colleague and friend, OWEN PICKETT. I want to commend Mr. SCOTT for introducing this bill and working with both sides to bring it to the floor today.

Let me just say at the outset how appropriate it is that this particular federal building should bear the name of OWEN PICKETT. As the other speakers have said, OWEN was extremely instrumental in securing the needed funding for the renovation of the Customhouse.

He worked hard, as he always does, to bring together the General Services Administration (GSA), the Customs Service and other interested parties to work out the details of this project. It is in large part because of his hard work that the renovation of this historic building was completed earlier this year. OWEN's work on the project constitutes a victory for historic preservation in Virginia.

Beyond this particular project, I want to say what an honor it has been to serve with OWEN PICKETT during the past ten years. Mr. PICKETT is a true gentleman. Throughout his service, OWEN has worked tirelessly and effectively not only for people not only in southern Virginia, but for our entire Nation. He has championed

the interests of our Nation's military, and the men and women who wear the uniform of the United States. He has been a particularly strong advocate for the Navy and for our commercial maritime interests.

OWEN is also uncompromising in his insistence that government be fiscally disciplined, a trait which he probably acquired during his long service in the Virginia House of Delegates. The fact that he is retiring at a time of record surpluses is somehow fitting. It certainly wasn't that way when he came to the House in 1987.

Mr. Speaker, all of us in the House will certainly miss the service and dedication of OWEN PICKETT. I commend the leadership for bringing this bill to the floor in such an expeditious manner.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATourette) that the House suspend the rules and pass the bill, H.R. 5284.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1794, H.R. 5267 and H.R. 5284, the bills just considered.

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

There was no objection.

□ 1445

PRIVACY COMMISSION ACT

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4049) to establish the Commission for the Comprehensive Study of Privacy Protection, as amended.

The Clerk read as follows:

H.R. 4049

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 ''Privacy Commission Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Americans are increasingly concerned about their civil liberties and the security and use of their personal information, including medical records, educational records, library records, magazine subscription records, records of purchases of goods and other payments, and driver's license numbers.

(2) Commercial entities are increasingly aware that consumers expect them to adopt privacy policies and take all appropriate steps to protect the personal information of consumers.

(3) There is a growing concern about the confidentiality of medical records, because there are inadequate Federal guidelines and a patchwork of confusing State and local rules regarding privacy protection for individually identifiable patient information.

(4) In light of recent changes in financial services laws allowing for increased sharing of information between traditional financial institutions and insurance entities, a coordinated and comprehensive review is necessary regarding the protections of personal data compiled by the health care, insurance, and financial services industries.

(5) The use of Social Security numbers has expanded beyond the uses originally intended.

(6) Use of the Internet has increased at astounding rates, with approximately 5 million current Internet sites and 64 million regular Internet users each month in the United States alone.

(7) Financial transactions over the Internet have increased at an astounding rate, with 17 million American households spending $20 billion shopping on the Internet last year.

(8) Use of the Internet as a medium for commercial activities will continue to grow, and it is estimated that by the end of 2000, 56 percent of the companies in the United States will sell their products on the Internet.

(9) There have been reports of surreptitious collection of consumer data by Internet marketers and questionable distribution of personal information by on-line companies.

(10) In 1999, the Federal Trade Commission found that 87 percent of Internet sites provided some form of privacy notice, which represented an increase from 15 percent in 1998.

(11) The United States is the leading economic and social force in the global information economy, largely because of a favorable regulatory climate and the free flow of information. It is important for the United States to continue that leadership. As nations and governing bodies around the world begin to establish privacy standards, these standards will directly affect the United States.

(12) The shift from an industry-focused economy to an information-focused economy calls for a reassessment of the most effective way to balance personal privacy and information use, keeping in mind the potential for unintended effects on technology development, innovation, the marketplace, and privacy needs.

(13) This Act shall not be construed to prohibit the enactment of legislation on privacy issues by the Congress during the existence of the Commission. It is the responsibility of the Congress to act to protect the privacy of individuals, including individuals' medical and financial information. Various committees of the Congress are currently reviewing legislation in the area of medical and financial privacy. Further study by the Commission established by this Act should not be considered a prerequisite for further consideration or enactment of financial or medical privacy legislation by the Congress.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the ''Commission for the Comprehensive Study of Privacy Protection'' (in this Act referred to as the ''Commission'').

SEC. 4. DUTIES OF COMMISSION.

(a) STUDY.—The Commission shall conduct a study of issues relating to protection of individual privacy and the appropriate balance to be achieved between protecting individual privacy and allowing appropriate uses of information, including the following:

(1) The monitoring, collection, and distribution of personal information by Federal, State, and local governments, including personal information collected for a decennial census, and such personal information as a driver's license number.

(2) Current efforts to address the monitoring, collection, and distribution of personal information by Federal and State governments, individuals, or entities, including—

(A) existing statutes and regulations relating to the protection of individual privacy, such as section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) legislation pending before the Congress;

(C) privacy protection efforts undertaken by the Federal Government, State governments, foreign governments, and international governing bodies;

(D) privacy protection efforts undertaken by the private sector; and

(E) self-regulatory efforts initiated by the private sector to respond to privacy issues.

(3) The monitoring, collection, and distribution of personal information by individuals or entities, including access to and use of medical records, financial records (including credit cards, automated teller machine cards, bank accounts, and Internet transactions), personal information provided to on-line sites accessible through the Internet, Social Security numbers, insurance records, education records, and driver's license numbers.

(4) Employer practices and policies with respect to the financial and health information of employees, including—

(A) whether employers use or disclose employee financial or health information for marketing, employment, or insurance underwriting purposes;

(B) what restrictions employers place on disclosure or use of employee financial or health information;

(C) employee rights to access, copy, and amend their own health records and financial information;

(D) what type of notice employers provide to employees regarding employer practices with respect to employee financial and health information; and

(E) practices of employer medical departments with respect to disclosing employee health information to administrative or other personnel of the employer.

(5) The extent to which individuals in the United States can obtain redress for privacy violations.

(6) The extent to which older individuals and disabled individuals are subject to exploitation involving the disclosure or use of their financial information.

(b) FIELD HEARINGS.—

(1) IN GENERAL.—The Commission shall conduct at least 2 field hearings in each of the 5 geographical regions of the United States.

(2) BOUNDARIES.—For purposes of this subsection, the Commission may determine the boundaries of the five geographical regions of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months after appointment of all members of the Commission—

(A) a majority of the members of the Commission shall approve a report; and

(B) the Commission shall submit the approved report to the Congress and the President.

(2) CONTENTS.—The report shall include a detailed statement of findings, conclusions,

and recommendations, including the following:

(A) Findings on potential threats posed to individual privacy.

(B) Analysis of purposes for which sharing of information is appropriate and beneficial to consumers.

(C) Analysis of the effectiveness of existing statutes, regulations, private sector self-regulatory efforts, technology advances, and market forces in protecting individual privacy.

(D) Recommendations on whether additional legislation is necessary, and if so, specific suggestions on proposals to reform or augment current laws and regulations relating to individual privacy.

(E) Analysis of purposes for which additional regulations may impose undue costs or burdens, or cause unintended consequences in other policy areas, such as security, law enforcement, medical research, or critical infrastructure protection.

(F) Cost analysis of legislative or regulatory changes proposed in the report.

(G) Analysis of the impact of altering existing protections for individual privacy on the overall operation and functionality of the Internet, including the impact on the private sector.

(H) Recommendations on non-legislative solutions to individual privacy concerns, including education, market-based measures, industry best practices, and new technology.

(I) Review of the effectiveness and utility of third-party verification of privacy statements, including specifically with respect to existing private sector self-regulatory efforts.

(d) ADDITIONAL REPORT.—Together with the report under subsection (c), the Commission shall submit to the Congress and the President any additional report of dissenting opinions or minority views by a member or members of the Commission.

(e) INTERIM REPORT.—The Commission may submit to the Congress and the President an interim report approved by a majority of the members of the Commission.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members appointed as follows:

(1) 4 members appointed by the President.

(2) 4 members appointed by the majority leader of the Senate.

(3) 2 members appointed by the minority leader of the Senate.

(4) 4 members appointed by the Speaker of the House of Representatives.

(5) 2 members appointed by the minority leader of the House of Representatives.

(6) 1 member, who shall serve as Chairperson of the Commission, appointed jointly by the President, the majority leader of the Senate, and the Speaker of the House of Representatives.

(b) DIVERSITY OF VIEWS.—The appointing authorities under subsection (a) shall seek to ensure that the membership of the Commission has a diversity of views and experiences on the issues to be studied by the Commission, such as views and experiences of Federal, State, and local governments, the media, the academic community, consumer groups, public policy groups and other advocacy organizations, business and industry (including small business), the medical community, civil liberties experts, and the financial services industry.

(c) DATE OF APPOINTMENT.—The appointment of the members of the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(f) COMPENSATION; TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(h) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(2) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold its initial meeting.

SEC. 6. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) IN GENERAL.—Not later than 30 days after the appointment of the Chairperson of the Commission, the Chairperson of the Commission shall appoint a Director without regard to the provisions of title 5, United States Code, governing appointments to the competitive service.

(2) PAY.—The Director shall be paid at the rate payable for level III of the Executive Schedule established under section 5314 of such title.

(b) STAFF.—The Director may appoint staff as the Director determines appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) IN GENERAL.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The staff of the Commission shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS–15 of the General Schedule under section 5332 of that title.

(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out this Act.

(2) NOTIFICATION.—Before making a request under this subsection, the Director shall give notice of the request to each member of the Commission.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Chairperson of the Commission submits a request to a Federal department or agency for information necessary to enable the Commission to carry out this Act, the head of that department or agency shall furnish that information to the Commission.

(2) EXCEPTION FOR NATIONAL SECURITY.—If the head of that department or agency determines that it is necessary to guard that information from disclosure to protect the national security interests of the United States, the head shall not furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Director, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out this Act.

(f) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act, but only to the extent or in the amounts provided in advance in appropriation Acts.

(g) CONTRACTS.—The Commission may contract with and compensate persons and government agencies for supplies and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(h) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate by section 4. The attendance of witnesses and the production of evidence may be required by such subpoena from any place within the United States and at any specified place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(i) RULES.—The Commission shall adopt other rules as necessary for its operation.

SEC. 8. TERMINATION.

The Commission shall terminate 30 days after submitting a report under section 4(c).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission $5,000,000 to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated pursuant to the authorization in subsection (a) shall remain available until expended.

SEC. 10. BUDGET ACT COMPLIANCE.

Any new contract authority authorized by this Act shall be effective only to the extent or in the amounts provided in advance in appropriation Acts.

SEC. 11. PRIVACY PROTECTIONS.

(a) DESTRUCTION OR RETURN OF INFORMATION REQUIRED.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed to the Commission, the Commission shall either destroy

the individually identifiable information or return it to the person or entity from which it was obtained, unless the individual that is the subject of the individually identifiable information has authorized its disclosure.

(b) DISCLOSURE OF INFORMATION PROHIBITED.—The Commission—

(1) shall protect individually identifiable information from improper use; and

(2) may not disclose such information to any person, including the Congress or the President, unless the individual that is the subject of the information has authorized such a disclosure.

(c) PROPRIETARY BUSINESS INFORMATION AND FINANCIAL INFORMATION.—The Commission shall protect from improper use, and may not disclose to any person, proprietary business information and proprietary financial information that may be viewed or obtained by the Commission in the course of carrying out its duties under this Act.

(d) INDIVIDUALLY IDENTIFIABLE INFORMATION DEFINED.—For the purposes of this Act, the term ''individually identifiable information'' means any information, whether oral or recorded in any form or medium, that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4049, as amended.

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

There was no objection.

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

Mr. Speaker, H.R. 4049 would establish a commission to engage in one of the Nation's most comprehensive examinations of privacy protection issues in more than 20 years.

A few key strokes on a computer can yield a quantity of information that was unimaginable 26 years ago when the privacy act of 1974 became law. From e-mail and e-commerce to e-government, technology has changed the way people communicate, shop, and pay their bills.

The downside of these advances is that a vast amount of personal information, such as credit cards and Social Security numbers, flows freely from home computers to commercial and government Web sites. Today, everything from medical records to income tax returns is being maintained in an electronic form and is often transmitted over the Internet.

Growing concern over protecting the privacy of those records has led to the proposal of approximately 7,000 State and local laws, and more than 50 Federal laws. This bill before the House today will provide a most important function in this debate. The commission will examine privacy policies and laws throughout the Nation.

The commission's work will help determine the extent to which the Nation's privacy laws and policies may need to be revised for today's information technology.

Mr. Speaker, H.R. 4049 was introduced on March 21, 2000, by the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN), a true bipartisan bill.

The Committee on Government Reform's Subcommittee on Government Management Information and Technology held 3 days of legislative hearings on the issue, including a day of hearings at the behest of the subcommittee's minority members. The subcommittee approved the bill on June 14, 2000; and the full committee finalized its work on the bill on June 29, 2000.

During the full committee's consideration, a number of amendments offered by the minority were adopted, and the bill was favorably reported to the full House.

Mr. Speaker, I yield such time as he may consume to the honorable gentleman from Arkansas (Mr. HUTCHINSON), the chief author of the bill, for further discussion.

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for yielding the time to me.

Mr. Speaker, I certainly rise in support of this legislation, the Privacy Commission Act, and I want to thank the gentleman from California (Mr. HORN) for his leadership and cooperation on this.

I want to thank the Democrat gentleman from Texas (Mr. TURNER) for his coauthorship of it.

I want to thank the gentleman from California (Mr. WAXMAN), the ranking member of the full committee, for his participation through this process, his very constructive criticisms and suggestions that he has offered. I think because of the gentleman's participation we have certainly made this a better product that has moved to the floor today.

I certainly also want to thank the gentleman from the State of Virginia (Mr. MORAN), my cosponsor, who from the very beginning has helped make this a bipartisan product which we have presented to this body.

If we look back over the issue of privacy, the last comprehensive look at privacy that we have had in our Nation was 25 years ago in 1974, and the report after that privacy study commission was privacy in the information age. Certainly that has changed in 25 years. But even that last commission gave us the hallmark of our privacy legislation today, the foundation of privacy here in the Federal Government.

That was 1974. Basically, it is time that we need to do it again, and I do believe that Congress understands the issue of privacy and the importance of this issue to the American people. The NBC-Wall Street Journal poll indicated that the number one issue of Americans as they enter the next century is the concern about loss of personal privacy, and so Congress understands that.

If we look at the issue of video rental records, we understand the public, and we do not want our video rental records disclosed to third parties, and we passed a law that prohibited that.

We understand that driver's license information should not be passed along and sold to commercial enterprises. We passed a law that restricted that.

When you look at cable stations and the knowledge as to what an individual, a consumer, clicks his channels and where he goes, we do not want that information passed along; and we pass a law that restricted it.

Tax returns, we passed a law obviously that restricts the transfer of information from a tax return. So we deal with privacy, but Congress should not end its work with what we have done thus far.

How about medical records? How about State law protection dealing with medical records; is that sufficient? Do we need a new Federal standard? How about the financial records? What do we need to do to further protect the transfer of financial information? And the answer is that regardless of what we can agree upon now, and I have sponsored various portions of privacy legislation and have moved forward, but regardless of what we agree upon now, we cannot end here.

We need to build a consensus; and this bill, this privacy study commission, is designed to build this consensus that we have not been able to form yet. I think it will help us to enhance personal privacy and do the work that Congress should do.

Let me go to some of the particulars of this legislation. Obviously, the commission will consist of 17 members appointed by the President, the majority leader, minorities leader, Speaker of the House. So it certainly is bipartisan in the way that it is formulated, but it is tasked with numerous responsibilities from studying the current state of laws on individual privacy, to conducting field hearings across the country, listening to the people, as well as privacy experts.

We are to submit a report to Congress, this commission will, within a timely fashion; and even though 18 months is a drop-dead date, hopefully they will come back sooner, and they have specifically the right to come back sooner if they can reach that consensus.

The Committee on Commerce has stepped in and suggested some very important changes but are not dramatic in its impact. One of them is that the commission should look at the impact on the Internet and its functionality. Certainly we want to do that. It says that any commissioner or group of commissioners may dissent and submit a record, so there is nothing dramatic about those changes; but those have been some suggested improvements from the Committee on Commerce.

I want to talk for a second about the processes as the gentleman from California (Mr. HORN) just indicated. We have gone through 3 days of hearings. We have gone through markup in subcommittee and full committee, and it was during that time that I think we really improved this legislation. One of the suggestions that came from the Democrat side was suggested by the gentleman from California (Mr. WAXMAN), the ranking member, who said that we should make it clear that this legislation in no way should impede the passage of individual privacy legislation. The language that was suggested by the gentleman from California (Mr. WAXMAN) was included.

The gentlewoman from New York (Mrs. MALONEY) suggested very appropriately that the commission should look at the extent that older individuals are subject to exploitation involving the disclosure of use of their financial information. That was adopted in subcommittee.

Then the third-party verification efforts, an amendment sponsored as well by the gentlewoman from New York (Mrs. MALONEY) was adopted.

The importance of having civil liberties represented on the commission was accepted as well, and so there was tremendous improvement through this process. We have really followed the regular order as we have come to this full House.

This is a very important commission that I believe will do good work. It is important that we have a good vote today, that will send it on its way in a bipartisan way; and I think that when it comes back with a report, hopefully, and I see the gentleman from Massachusetts (Mr. MARKEY) joining us, that we can continue to work on individual privacy legislation between now and the end of this year and into next Congress.

In the meantime, regardless of what else happens, we need to have this commission that will continue to recommend and supplement what we are doing in this body and to assist in our efforts, and I urge my colleagues to support this common sense approach to privacy.

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

Mr. WAXMAN. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, I want to compliment the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN) for their efforts to focus attention on the important issue of privacy. I believe that H.R. 4049 is a well-intentioned bill. The authors' sincerity in their motivation to improve privacy protections is a real one.

I strongly object, however, to the decision to bring up this bill as a suspension bill. Until today, we have had no opportunity to consider fundamental privacy legislation that matters to millions of Americans. And now that we have a bill, we are only provided with 20 minutes of debate time and no chance for amendments. And I think that is wrong.

Mr. Speaker, the gentleman from Arkansas (Mr. HUTCHINSON) said that his bill could go forward and other legislation on the subject of privacy could be considered at the same time. Well, the reality is that other legislation on privacy is not being considered at all. For example, the gentlewoman from New York (Ms. SLAUGHTER) has introduced genetic nondiscrimination and privacy legislation that has broad support; yet there has not even been a hearing on it.

The gentleman from California (Mr. CONDIT) introduced legislation with the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Michigan (Mr. DINGELL), myself and many other colleagues to provide comprehensive medical privacy protections for American consumers. That bill, which is in the subcommittee of the gentleman from California (Mr. HORN), has not even been given a hearing.

The gentleman from New York (Mr. LAFALCE) and the gentleman from Massachusetts (Mr. MARKEY) have introduced comprehensive financial privacy protections; yet there has not even been a hearing on their bills.

Today, with consideration of H.R. 4049, the leadership is finally taking up a bill concerning privacy, but the leadership has brought the bill up under suspension of the rules. This procedure blocks the gentleman from California (Mr. CONDIT), the gentleman from New York (Mr. LAFALCE), the gentleman from Massachusetts (Mr. MARKEY), the gentlewoman from New York (Ms. SLAUGHTER), and others from bringing up measures to provide privacy protections for American consumers.

We should not waste this opportunity to consider meaningful privacy protections. The Privacy Commission Act should be brought to the floor under regular order so that Members have an opportunity to discuss whether substantive privacy protections or other improvements should be added to the bill through amendment.

One of the main issues that has been raised about privacy, about the privacy commission bill, is whether its practical effect would be to delay the enactment of privacy protections.

People who advocate privacy protections have expressed concern about the potential for delay. For example, the Consumer Federation of America Consumers Union and U.S. PIRG have stated that ''the creation of a commission would delay efforts to put meaningful privacy protections on the book.''

People who oppose privacy protections have been happy that this bill could delay privacy initiatives. On April 17, 2000, there was an editorial in the National Underwriter magazine that urged insurance companies to support this measure, because the presence of such a commission will provide a strong argument for Congress and the State legislatures to wait for the results before enacting, as they put it, highly restrictive privacy legislation.

Under the right circumstances, establishing a privacy commission could be a helpful step in addressing privacy concerns. If Congress concurrently took action on enacting privacy legislation or at least made a binding commitment to take such action, American consumers could be confident that they would complement, rather than delay, this legislation.

Mr. Speaker, I want to emphasize this point and urge my colleagues to oppose this suspension.

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

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

Mr. Speaker, as I looked at the evolution of this legislation, every bill or an amendment that the Democratic minority gave us we accepted, and what we are going to have here is just on and on and on, and nothing is going to happen.

Five years ago when the gentleman from California (Mr. CONDIT) was in my position as chair of the subcommittee on Government Management, Information, and Technology, we had legislation that he submitted, a very fine bill. We have had others. We have Senator LEAHY come over. He has a very fine bill. So it goes. Nobody can pull all the pieces together.

In the closing weeks of Congress, there is absolutely no way to have the floor time to start having amendments all over the place. I would love to have floor time and have a 3-day debate. It is going to be a 3-day debate, at least.

It has been a bipartisan proposal all the way, and I would hope we would get something done where it could be pulled together and we might look at it as a base bill, which does not preclude the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Connecticut (Mr. SHAYS). We have a whole bunch of people here who want to have a privacy bill. I am not against that. I just want to get something done in a practical sense.

I would hope, Mr. Speaker, that my colleagues would support this and not have to go through the—we have the votes, I am sure, on the majority, but we ought to get this movement going.

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

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

Mr. Speaker, I just want to point out that if we are going to be serious about doing something on privacy legislation, we should have had hearings in the Horn subcommittee, that is how we organize a consensus, not wait for one to happen. We ought to have hearings. We ought to have had leadership to develop legislation. We have not had that leadership to develop legislation.

Secondly, not every one of our amendments was adopted in committee. We wanted a deadline for action by the Commission and an opportunity for privacy protections to be put into place.

Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a very important member of our committee.

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, normally bills to study serious problems are like apple pie and motherhood, but I will tell the Members, this one deserves the serious reservations of Members of this body in light of mounting concerns among the public about medical privacy and Internet privacy.

When I chaired the Women's Caucus last term, one of the bills at that time Democratic and the Republican women were able to get some kind of consensus on was a bill involving genetic privacy.

The notion that we are here talking about studying privacy at the end of yet another term pains me to even hear. This issue is at the top of the agenda of the American public. The concern of the public is so loud and so real, and has been there for so long after so many hearings about various aspects of this problem, that the expectation has been that we would do something about it at least by now.

Let us take medical privacy. That one is so long overdue, particularly with respect to genetic information. We now know the genetic code. That thing is traveling against us at such a speed. We are here talking about studying it with no time limit? People are thinking, will I lose my job if I go to the company doctor or to any doctor to talk about my condition? And all doctors use the Internet now.

Do we know where the public is on this? They are clamoring on the doors of this Congress, saying, ''Protect me.''

My own recent experience makes me come to the floor. I needed something, a fancy new telephone. Somebody found out that I could order it and get it in 24 hours over the Internet. I said, over my dead body. I have a recognizable name. I am not going to put the name of Eleanor Holmes Norton on the Internet, because at least in this region somebody might decide that that is the name to use.

Do Members know how many people have lost their identity fooling with the Internet? I am not going to lose what little identity I have left. That is one of the things people write again more and more. Yet, we say, here is our answer, we will study that for you. We are making people think we are doing something about something they have clamored for us to do something about for almost 10 years now.

This bill says that this commission is going to make recommendations on whether additional legislation is necessary? Give me a break. Tell that to the public, that we are trying to find out if it is necessary.

Or listen to what the FCC has just said: ''Legislation is now needed to ensure consumers online privacy is adequately protected.'' It is necessary. This bill does nothing about that necessity. It is very hard for me to advocate support of this bill. I do not do so.

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

Mr. Speaker, I just want to answer the ranking member of the full committee on hearings. We had a full hearing on April 12, 2000. We had a full hearing on May 15. That is two major hearings on a rather simple bill, but it is the only way we are going to get something done.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER), the ranking member on the subcommittee.

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

Mr. Speaker, I appreciate the good work that the gentleman from California (Mr. HORN) has put in on this bill. It is clear to all of us that the American people are demanding action and that their privacy be protected by this Congress. I think it perhaps is one of the most critical issues and one of the most difficult issues we face.

I think we also understand that there are very complex issues surrounding the discussion of privacy, and there are many opinions that have been voiced to us in the course of proceedings on this bill and others that indicate that the Congress must carefully consider legislation in this area.

H.R. 4049 is a bipartisan measure which would establish a commission charged with studying issues relating to the protection of individual privacy and the balance to be achieved between protecting privacy and allowing appropriate uses of information.

The commission would submit a report to Congress and the President within 18 months after its appointment. As a cosponsor of the bill, I commend my colleagues, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN) for their leadership on a topic of this importance.

I commend the ranking member, the gentleman from California (Mr. WAXMAN), on his willingness to work with us on the issue. I agree with him, that there are bills pending in this Congress that can be acted upon and should be acted upon prior to the final report of this commission.

The Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform held 3 days of legislative hearings on this bill, heard from a number of witnesses, hearing various points of view. The witnesses testified regarding the commission's scope, the relationship of ongoing and past privacy efforts, the composition of the commission, and other issues.

I want to commend the gentleman from Arkansas (Mr. HUTCHINSON) for his willingness to accept an amendment, a manager's amendment, at the full committee level which clarified that the intent of this bill is not to delay or obstruct any pending, ongoing privacy initiatives in this Congress.

It has been more than 20 years since a privacy commission studied this issue. It is clear to me that we need a comprehensive reevaluation of the subject; that legislation that is pending can be considered and passed while we are studying this issue, but there are enough problems in the area of privacy regulation, privacy protection, to justify a commission with the expertise that is laid out in the bill as far as the creation of a commission and its membership.

I believe Congress should strictly adhere to the intent of the bill, which calls for the commission to be used as a supplement to and a sounding board for ongoing legislative privacy initiatives rather than any means of delay.

Again, I commend the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. MORAN) for their good work, and I urge the House to adopt this bipartisan measure.

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

Mr. Speaker, before yielding to the gentleman from Massachusetts (Mr. MARKEY), who is one of the champions on privacy questions in this Congress, I want to point out that the Horn subcommittee held three hearings, two at our request. They were all on the issue of this commission. There was not a single hearing on the medical privacy issue or the Internet privacy, which is also the jurisdiction of that committee.

I regret that, because it seems to me we could be much further down the road in directly enacting legislation if we had that leadership.

Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY), who has raised the privacy issue in a number of different spheres and has been such an enormous champion in trying to get legislation, and shown such leadership in trying to get that legislation.

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

Mr. Speaker, this is a very important debate. I think it is important for everyone who is listening to the debate to understand what we are debating and what we are not debating.

We are debating a privacy commission. In fact, that is how it is described by the proponents. But for those that want real privacy, we are debating a privacy omission. That is what this debate is really all about.

We have bills before Congress. They have been sitting there for years. The gentleman was the chair of this subcommittee and did not have any hearings on the subject. The Committee on Banking and Financial Services, no hearings; the Committee on Commerce, no hearings.

Everyone understands what the problem is. The Internet industry understands, the banking industry understands, the health industry understands the issues. What frightens them most greatly is that the public understands them, as well.

These are not complicated issues. We over the years have made many decisions with regard to the privacy of the American public. It is not something that requires a lot of study.

We make it a requirement that a driver of an automobile have to opt in before any license information, driver's license information, can be transferred. If we rent a video cassette at a video rental store, they have to get our permission before they transfer that information. If we are watching cable TV and late at night we might flick over to one of those pay per view channels that maybe we don't want the rest of the family, much less everyone else in the neighborhood, understanding that we might have watched, the cable industry cannot tell anyone that we did that. They have to get our permission before they do so. If we call anyone on our phones, the phone company cannot tell anybody who we called without our permission.

If a child goes online to a commercial site for children and they are under the age of 13, that site cannot transfer that information to anyone else without the express permission of parents. But if the child is 13, if the child is 14, if the child is 15, there are no restrictions.

Do Members think this Congress could figure out that maybe we should protect 13- and 14- and 15-year-olds? We are told by the committee that they cannot figure that out. It is too hard for them to know whether or not a 13-year-old or a 14-year-old or a 15-year-old's information should be transferred. They need to get an expert panel of industry officials, primarily, I am going to bet that is the case, to tell us whether or not those children should be protected.

Mr. Speaker, that is why we run for office. People in this country know whether or not they want their health care records protected or not. They know whether or not they want their financial records protected. We do not need a Commission to study this. This is not beyond the ability of this Congress to deal with.

What the bill is really all about is punting for another 2 years, 18 months, for the commission to study it. It means it is right before the next Congress ends, in the year 2002, which is exactly what the industry wants. We do not have to be a genius to figure out what to do to protect children, to protect the medical record of Americans, to make sure that somebody cannot take all of our checks or all of our brokerage accounts, all of the medical exams we might have to take for an insurance policy, and then sell it as though it is a product.

Do we really have to study that? I don't think so. This is just a commission to make sure that this Congress can say that it did something; that is, put a fig leaf over this issue.

So Mr. Speaker, yes, we need a new economy, but we need a new economy with old values. We need commerce with a conscience. This Congress, by passing this bill, demonstrates that it is unwilling to grasp this moral issue of what corporate America is doing in taking the private, most sensitive information of American families and turning it into a product which is sold around the country and around the world.

So if Members want privacy and they want it to happen, vote no on this bill and force them to bring out the bills over this next week that ensure that on the Internet, on financial records, on the health care data of every American family, we give them the protections which they deserve.

Otherwise, this bill is going to guarantee that there will be no action in the next Congress either, because the report does not come back until 2 years from now, at the end of the next Congress.

□ 1515

So I think that, while they may have had all the hearings on their commission bill, that, without question, whether or not we are going to ensure that the new technology ennobles and enables Americans rather than degrades and debases, whether or not we come to grips with the fact that there is a sinister side of cyberspace and that we understand it and that we demonstrate to the American people that we do understand it, and that we become the privacy keepers as were our local bankers when we were younger, our doctors and nurses when we were younger, and that we identify with those privacy keepers rather than the privacy peepers and the information reapers which these new data banks are able to make possible, creating products out of the family information of each one of us in the United States. I do not believe that there is an issue more central to the integrity and the well-being of a family in the United States than whether or not we give them the rights today to protect that information from being turned into a product.

To say that we do not have the ability to understand it says that we do not understand cyberspace, we do not understand the world in which everyone is living, and we do not understand that 85 percent of the American public in every single poll are demanding us to give them the right to protect this information. Vote no on this commission.

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

Mr. Speaker, before I yield to the gentleman from Virginia (Mr. MORAN), the co-author of this legislation, I want to say that the gentleman from Massachusetts (Mr. MARKEY) is always very eloquent. Did he beat on the door of the chairman of the Committee on Commerce? Did he beat on the door of the chairman of the Committee on Judiciary? I did not hear him beating on my door.

But we knew the gentleman from Massachusetts and five others were out there, and we would have been glad to give them a hearing. But there are a lot of other committees around here that have the jurisdiction. I am not aware of the gentleman from Massachusetts ever going before any of those committees. But he always is eloquent, no question about it.

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

Mr. HORN. Mr. Speaker, I yield 10 seconds to the gentleman from Massachusetts (Mr. MARKEY) to answer how many doors did he knock on. When I have a bill out, I am knocking on doors.

Mr. MARKEY. Mr. Speaker, I was given an ironclad commitment by the other side when we were debating the financial services bill last November that they would have hearings all this year in the Committee on Banking and Financial Services on financial services and health care privacy. They had no hearings on this issue. That side over there did not, in fact, fulfill its commitment.

Mr. HORN. Mr. Speaker, I yield 4½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I want to start by thanking the distinguished gentleman from California (Mr. HORN). He made it clear from the outset that he wanted bipartisan constructive legislation, that he wanted hearings, and he wanted to do what we could do given the information that we had available to us.

I also want to thank the gentleman from Arkansas (Mr. HUTCHINSON). He has worked, again, in a constructive manner, listening to everyone that wanted to have input into this legislation, has never behaved, to my knowledge, in this context in any partisan fashion. He wanted this to be a bipartisan bill. So I was very pleased to work with him.

I thank the gentleman from Texas (Mr. TURNER), the ranking member of the subcommittee. Again, all they wanted to do was work in a constructive bipartisan manner.

Now, I also want to thank the gentleman from California (Mr. WAXMAN) whose leadership has been outstanding. In fact, I agree with the gentleman's emphasis on the need for privacy legislation and with the gentleman from Massachusetts (Mr. MARKEY).

I think that we ought to have privacy legislation right now, particularly with regard to the protection of medical records. No question. Let us do it. We will vote for it. I know that the gentleman from California (Mr. HORN) and the gentleman from Arkansas (Mr. HUTCHINSON) will and the gentleman from Texas (Mr. TURNER) will as well.

So I would say to the gentleman from Massachusetts (Mr. MARKEY), my very good friend, I wished that I had had the same rhetoric teachers as my colleague, but I did go to the Jesuits, and I remember some of this, and it is very effective and impressive.

But let me say to the gentleman from Massachusetts just do it. If he wants privacy legislation, do it. As the gentleman from California (Mr. HORN) suggested, the gentleman from Massachusetts is on the Committee on Commerce.

The reality is that it is not going to get done. This is all we have. We have made it clear, every speaker has made it clear this does not preclude any other privacy legislation. It is meant to compliment it. We do not have to take 18 months. We can do it in 6 months.

The problem is, while the gentleman from Massachusetts (Mr. MARKEY), my good friend, may have all the answers, I do not. I am not sure what to do. Given the fact that there are 7,000 privacy bills introduced in State legislatures, one out of every 5 legislative bills introduced around the country this year had to do with privacy, we have got dozens of bills pending before our committees on privacy, which one of them works? Which ones will create a consistency? I am not sure. I do not have those answers.

I am not even sure how we protect the consumer choice that is very important to many people while ensuring that we protect people's basic privacy which is a fundamental American right and freedom. I do not have those answers. I am not sure this Congress has those answers. Perhaps some of us do; and if they do, just do it. Come up with the legislation, and we will vote for it.

In the meantime, we want to get the experts together to bring out all the factors that need to be considered so that we can have the most thoughtful, the best considered legislation possible.

This is critically important. It is critically important to our economy and to our society. It is a basic American freedom, individual privacy. But let us not mess it up.

I know that privacy is off the charts on every poll we take. I know that all the voters want us to do something about privacy. But if we are going to do it, we ought to do it right. We ought to do it in a bipartisan way. We ought not politicize it. It ought to be good, public policy that is sustainable. That is what this legislation does. That is all it does.

We have worked on this. We have listened to everyone. I know the gentleman from California (Mr. WAXMAN), my friend and the distinguished leader will recall that, in fact, when we had hearings, the gentleman from Massachusetts (Mr. MARKEY) testified about medical records, about financial records.

I am not sure I got an answer about the question how do we make consistent privacy regulations on medical records, on financial records, on the children's privacy protection act that was just passed. How do we bring all these together and have a consistent Federal policy? How do we get consistency among the States without preempting their right to protect their citizens? I do not know. Let us ask the experts, and that is what this commission does.

Mr. Speaker, I rise today in strong support of H.R. 4049. I would like to thank my colleague ASA HUTCHINSON and JIM TURNER, the ranking member of the subcommittee, for their leadership and bipartisan efforts in introducing this bill.

This legislation has been criticized by some as a proposal to slow down other privacy legislation. On the other hand, the idea of a privacy commission has been criticized by at least some in the business community out of a concern that it may lead to the enactment of overbearing legislation.

Unfortunately, this way of thinking and operating has become a familiar pattern with a familiar result. Congress winds up doing nothing. That is really what we are talking about today. Do we engage in the same old partisan gridlock and do nothing or do we get serious about moving forward on some of the most important issues in this nation and pass this legislation.

I respect and appreciate much of the work that colleagues and friends like ED MARKEY and JOHN LAFALCE have done on privacy issues. I agree with them that there are some privacy issues, like the protection of medical records, that Congress should immediately move to protect.

That is why we purposely did not include any moratorium or preemption language that would prevent Congress or the states from enacting privacy legislation that may be needed before the work of this commission is done. But the reality is that there is not going to be any other privacy legislation passed this term. In the meantime, we can be doing something constructive.

Let me repeat that: Nothing in this bill precludes Congress or the states from moving forward on privacy legislation.

I do believe, however, that the work of the Privacy Commission will lead to better overall decisions about privacy, particularly as it relates to the Internet and electronic commerce.

Privacy has become a major public policy issue. Last year, the state legislatures considered over 7,000 privacy bills. Approximately one out of every five bills introduced in the state legislatures was a privacy bill. The Congress currently has before it dozens of privacy bills. The federal regulatory agencies are busy on numerous privacy initiatives.

And yet, it has been more than twenty years since the Privacy Protection Study Commission issued its landmark report in 1977. Since then, the personal computer and the Internet have transformed our economy. At the same time, they have raised and continue to raise new privacy issues that the 1977 study could not have envisioned. It is time to revisit the issues from the 1977 report as well as the broader new issues raised by the information economy. The Privacy Commission Act creates an opportunity to do just that.

Everyone agrees that getting privacy policy right will go a long way towards fully developing the potential of the Internet and e-commerce. The extent to which this exciting new medium will continue its incredible expansion depends in large measure on balancing legitimate consumer privacy rights with basic marketplace economics. An open and supportive legal environment has helped encourage the rapid development of the Internet. Companies and consumers alike realize that Internet privacy is the one issue that must be done right.

Americans are rightly concerned about their lack of privacy. We know and appreciate that the public worries about cookies; worries about the capture of information regarding browsing behavior; and worries about profiling. But, we don't know what the dimensions are of the real privacy threats posed by these activities and what the economic payoffs are of these activities. We certainly don't know very much yet about the impact of recently enacted privacy protection legislation, such as the Children's Online Privacy Protection Act or the privacy protections in Title V of Gramm-Leach-Bliley.

There is a lack of consensus about whether the U.S. should move toward the establishment of some type of national privacy regulatory agency or whether the existing combination of courts, consumer protection authorities, Attorney Generals and various federal agencies provide a more than adequate privacy regulatory presence.

There is also the troubling question of preemption. In an electronic environment where information moves across local, state, and national borders in nanoseconds, does it really make any sense to allow the location of data, sometimes the momentary location of data, to dictate the rules that apply?

The stakes are high. As a nation, we must find a way to protect information privacy and to give our citizens confidence that they can engage in e-commerce and provide access to their personal information, knowing that the information will be used appropriately and in ways that are consistent with their understanding of the transaction.

At the same time, we must preserve the ability of the business community to use personal information effectively to promote consumer convenience and to drive down the cost and improve the quality of goods and services; and to personalize the marketplace—in a very real sense, revolutionize the marketplace—to spur growth and to give consumers information about the goods and services which consumers wish to receive.

The Privacy Commission created by H.R. 4049 will not answer every question to everyone's satisfaction. But, there is every reason to believe that this is exactly the right time for a Privacy Commission to look at these questions, as well as the profound changes in the underlying technology and the underlying business models that have ignited the current privacy debate. This will allow us to get to our destination with fewer mistakes and in a way that encourages the effective use of personal information while protecting privacy.

The Privacy Commission Act is supported by The Information Technology Industry Council, The Center for Democracy and Technology, The American Electronics Association, The Information Technology Association of America, and The Association for Competitive Technology.

I would like to thank ASA for his leadership on this issue and I urge my colleagues to support the serious study of these important issues and to vote for this important legislation.

Mr. WAXMAN. Mr. Speaker, may I inquire how much time each side has remaining.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from California

(Mr. WAXMAN) has 6½ minutes remaining. The gentleman from California (Mr. HORN) has 50 seconds remaining.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Speaker, I thank the gentleman from California (Mr. WAXMAN) very much for yielding me this time.

Mr. Speaker, I rise in opposition to this legislation. Let me explain quickly why. First, it is important to know that this body has legislated for the past 30 years on privacy concerns. There are at least a dozen or so privacy bills that already have been passed by this body, some recently dealing with children online, some recently dealing with financial services, issues, or medical records. We continue to examine those before the Committee on Commerce and other committees of this body.

Recently, the Chamber of Commerce put on an extraordinary function at Lansdowne, Virginia where we brought in private sector individuals and learned a great deal more about the issue. The staff, as we speak, of the Committee on Commerce is working with my staff to see if we cannot have one additional hearing before we leave Congress this year as we prepare for what the Committee on Commerce expects to do in this area next year. But the last thing we need to do, in my opinion, is to give this issue to some commission to make decisions about these critical issues.

Let me tell my colleagues about a report that GAO just did at the request of the gentleman from Texas (Mr. ARMEY) and I. The gentleman from Texas (Mr. ARMEY) and I asked GAO to look at Federal Web sites to see how well they protected privacy and to use the FTC standard to find out which among our Federal sites were out of line.

Do my colleagues know how many sites on the Federal Web complied with the FTC guidelines? Three percent. Fourteen percent of them had cookies. Everyone of them was gathering personal information. Only 23 percent met the test for security, which means those Web sites are open to hackers every day.

The bottom line is the Federal Government itself does not have its act in order. Our own Federal Web sites, 3 percent only comply with the FTC. Yet, we are going to appoint a commission to tell us how the private sector should be adopting rules on privacy. No, I think that is our responsibility. I think our responsibility is, number one, number one, to get the Federal Web sites in line so that, on the Federal site where one has to give up information to the government, that information is protected properly; and then, two, for the Committee on Commerce and the legislature to come up with some good legislation for the private sector.

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

Mr. Speaker, along the lines of the argument just made by the gentleman from Louisiana (Mr. TAUZIN), I want to point out that a number of privacy experts, including individuals from the Electronic Privacy Information Center, Consumer Action, Privacy Times, the Privacy Rights Clearinghouse, the Free Congress Foundation, Junk Busters and others, they said: ''We oppose this bill because it is unlikely to advance privacy protections in the United States. To the contrary, if adopted, it would likely retard the progress of legislation that would result in meaningful protections for Americans.

''Enacting this bill would give the appearance that Congress was finally doing something about protecting Americans' right to privacy when, in fact, it was not. Such a result would be unfair to the American people.''

I agree with the argument that the gentleman from Louisiana (Mr. TAUZIN) and others have made, and I would urge my colleagues to oppose this legislation.

Mr. Speaker, I am glad to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, let me give my colleagues an illustration of the problem that we have right now. The gentleman from Iowa (Mr. LEACH), Republican, passed a bill earlier out of his committee that would have given additional opt-in protections for medical information. It passed out of the Committee on Banking and Financial Services 26 to 14. That was back on June 29 of this year. The bill has not been heard from since.

It just sits over there with the leadership on the Republican side holding onto this bill even though, on a bipartisan basis, Democrats and Republicans have already come to an agreement that the financial records that include sensitive medical information should be protected with this extra level of an opt-in protection.

In addition, I mean, we can go down the litany, the gentleman from California already went down earlier the litany of bills which have been introduced in this Congress which are still awaiting hearings, still awaiting deliberation. But it is hard for Members of Congress to reach that bipartisan consensus if no hearings are being held by the Republican leadership on these very sensitive subjects.

And to basically subcontract out our responsibility to a commission when the American public expects us to be making those decisions ourselves, and we have the capacity to do so, while we feign ignorance, we are basically saying there is an invincible ignorance on our part, when we cannot understand these issues, when in fact the reality is that, when we act on these issues, when we move, the Republican leadership then blocks them from coming out here on the floor because the industries that are affected do not want the American people to have any additional privacy.

That is the core issue that we are talking about here, whether or not we are going to take on those large industries who basically have a commercial stake in compromising the privacy of every single American.

At this point in time, if we look down the litany of bills that have been before the Congress over the past year, we can say that, without question, that there can only be a zero which is given to the Republican leadership in dealing with this issue of American privacy.

Mr. WAXMAN. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished gentleman from California for yielding me this time.

Mr. Speaker, I would ask my colleague if he is aware, I was the author of the opt-in requirement on licensing and registration of automobile vehicles, and it is working. But it was done in a bipartisan way if the gentleman will recall and we had adequate information.

I would suggest to my colleague that if he has legislation that can pass that the authors of this bill would be more than happy to sign on to that legislation and support it.

□ 1530

We just want to get something done that will work, that is constructive, and that is sustainable.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume to point out that the predecessor of the gentleman from California (Mr. HORN) of the committee that has the jurisdiction over privacy legislation, the gentleman from California (Mr. CONDIT), worked for many years on the issue of medical privacy; and, as a result, the gentleman from California (Mr. CONDIT) introduced a bill that had conservatives to liberals in the House on his legislation.

Rather than build on that legislation and move it forward, the Republican leadership let it languish. Rather than work to resolve the issues of financial privacy, the Republican leadership in the Congress has not brought that to the floor. What the Republican leadership in the Congress has suggested we do about privacy is set up another commission. And many of us fear that setting up another commission is an excuse not to move forward. That is why, when this commission legislation was brought before the committee, we wanted a mandatory deadline to force actual action to protect people's privacy, not simply to continually study it.

So I regret we do not have legislation on the subject, and that is why I would urge that we do not agree to this bill on suspension. I urge my colleagues to vote ''no.''

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

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

Obviously, this is the only thing that is going to happen, and it sounds like a lot of bipartisanship that we pride ourselves on in our subcommittee, with the gentleman Texas (Mr. TURNER) and the gentlewoman from New York (Mrs. MALONEY) over the years, is somehow missing here.

I am very sorry that the ranking Democrat on the full committee cannot go along on this. If the gentleman knew he was going to kill it, why did he not say it when we had it before the full committee instead of playing games here when we are getting near an election?

Mr. Speaker, I yield the balance of my time to the gentleman from Arkansas (Mr. HUTCHINSON), who spent a lot of hours and weeks and months on this legislation.

Mr. HUTCHINSON. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Arkansas (Mr. HUTCHINSON) has 30 seconds.

Mr. HUTCHINSON. Mr. Speaker, one thing I believe we agree on is that we want to go in the same direction in protecting privacy. The bottom line here is that, for whatever reason, the bill of the gentleman from Massachusetts (Mr. MARKEY) is not moving through the Committee on Commerce.

Please do not disappoint people who want to do something about privacy by saying we are not going to do anything this year. This is our only opportunity. I hope we can come back and do something in the Committee on Commerce, but I also hope this bill can pass this year, and I ask for my colleagues' support.

Mr. STARK. Mr. Speaker, enactment of federal legislation to protect the medical privacy of Americans has been a subject of congressional debate for years. More recently, with passage of the financial modernization legislation last year, financial privacy has been on the minds of millions, and electronic privacy concerns are becoming a major source of friction for dot.com companies and consumers.

Legislative solutions in these areas are not simple. Inevitably, the rules that will do the most to protect consumers cause affected businesses to object that they would be burdensome and costly. But reasonable solutions are needed, or the fears that many harbor now—that public and private entities they know nothing about are somehow gaining access without their knowledge to intimate (and sometimes damaging and embarrassing) information about them—will increasingly cause privacy-protective consumers to take extreme measures to avoid releasing as much personal information as possible. Or, they may simply decide to lie.

Already, surveys tell us that some consumers are deciding not to seek certain medical treatments—genetic tests in particular—because they fear that the results could render them uninsurable. On the other hand, insurers insist that they have a right to seek and demand as much information as possible in order to accurately determine risk and premiums.

Legislation is urgently needed to set boundaries and rules that are fair, reasonable, broad and balanced. There are many such bills that are pending in this Congress that would do much to advance the privacy agenda. Regrettably, they have been bottled up in committee. Among these bills are:

H.R. 4380, a bill developed by the administration and introduced by Representative JOHN LAFALCE (D–NY). The legislation would inform and empower consumers in the area of financial privacy by giving them the choice of saying "yes" or "no" before any disclosure of their medical information that is gathered by financial institutions (which include insurers). It would also allow consumers who chose to take the initiative to stop the transfer of other personal financial information that would otherwise take place.

H.R. 4585, introduced by Representative JIM LEACH (R–Iowa) would also enhance financial privacy protections by giving consumers an affirmative "opt in" choice before their medical information could be shared by financial institutions. The bill also features a federal private right of action. It was marked up by the House Banking Committee on June 29, where it was approved 26–14.

H.R. 1941, introduced by Representative GARY CONDIT (D–Calif.) would give consumers control over the use and disclosure of their medical records, and private health plans, physicians, insurers, employers, and others clear rules for how medical records should be handled. Consumers whose privacy was violated would have legal redress through a private right of action.

H.R. 4611, introduced by Representative EDWARD MARKEY (D–Mass.) features the administration's proposals to strengthen privacy protections for use of Social Security numbers.

H.R. 3321, introduced by Representative MARKEY and Representative BILL LUTHER (D–Minn.) would provide comprehensive privacy protections on the Internet.

H.R. 4857, introduced by Representative CLAY SHAW (R–Fla.) and JERRY KLECZKA (D–Wisc.) was approved last week by the House Ways and Means Committee, and aims to curb identity theft with new rules restricting abuse of Social Security numbers. No floor action on the bill has yet been scheduled.

By comparison, the bill on today's suspension calendar, the Privacy Commission Act (H.R. 4049) offers no solutions. Instead, it calls for a 17-member commission to spend 18 months and $5 million to figure out what to do. There is nothing inherently wrong with studying privacy. But the majority party, in putting only this legislation on the floor during the 106th Congress, misses the main point, which is that we need to be legislating—not sitting on our hands and waiting for input from a commission that may or may not provide additional worthwhile insights on crafting sound privacy policy in 2002.

Nor do we need a commission to second-guess the medical privacy regulations that will soon be issued by the Department of Health and Human Services. There are some in the health industry who are hoping a commission will call for further delay in the date on when the HHS regulations take effect, and who will use the commission to raise hypothetical concerns about their workability and cost. Yet the regulations are already subject to a 2-year implementation timeline, giving stakeholders a long lead-time to prepare and put in place some initial necessary safeguards to protect consumers' medical records from misuse and abuse.

I urge my colleagues to raise their voices in support of real privacy legislation that will provide comprehensive medical, financial, and Internet protections for all Americans.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 4049, the Privacy Commission Act. I am proud to be an original sponsor of this bill, which would be a significant step forward toward creating a comprehensive framework for the protection of personal privacy.

The Privacy Commission would be unique in Congress because of its comprehensive approach to dealing with the growing concern Americans have regarding the protection of their personal privacy—whether that be online privacy, identity theft, or the protection of health, medical, financial, and governmental records. The Commission would be charged with investigating the problem of protecting personal privacy in a broad-based fashion, across-the-industry spectrum. After an extensive 18 month investigation, the commission will then be required to recommend whether additional legislation is necessary, what specific proposals would be effective, and proposals for non-governmental privacy protection efforts as well.

This bipartisan commission would be comprised of 17 members representing experts of various industries and organizations whose work impacts individual's personal privacy. Specifically, the commission would be representing federal, state, and local governments; business and industry groups; academics; consumer groups; financial services groups; public policy and advocacy groups; medical groups; civil liberties experts; and the media, though it is not limited to just these areas.

Mr. Speaker, in these times of rapidly changing technology, people are uncertain and fearful about who has access to their personal information and how that information is being used. The Privacy Commission would examine the entire spectrum of privacy issues and find solutions that will aggressively protect these growing concerns. I urge all my colleagues to vote in support of the Privacy Commission Act.

Ms. SLAUGHTER. Mr. Speaker, I rise in opposition to H.R. 4049, the Privacy Commission Act.

As my colleagues know, this legislation would establish a commission to study various aspects of privacy—financial, medical, electronic, and so on—and make recommendations to Congress. The 15 commission members would have 18 months to complete their work.

My objections to this bill have little to do with its actual substance. If the majority prefers to study an issue rather than act upon it, they are welcome to do so. I am deeply disturbed, however, that they would deny those of us who wish to act the opportunity to offer amendments.

In many cases, we know privacy does not exist, and we know how to provide the protections that American consumers are demanding. Just last week, the Institute for Health Freedom released a Gallup survey finding that 78 percent of those polled considered it very important that their medical records be kept

confidential. Individuals are particularly concerned about their genetic privacy. Genetic information is perhaps the most personal information that can be learned about an individual, and can have enormous ramifications for their future. As a result, Americans are especially worried that their genetic information could fall into the wrong hands and be used to undermine, rather than advance, their best interests.

I am proud to sponsor H.R. 2457, the Genetic Nondiscrimination in Health Insurance and Employment Act. As its title states, this legislation would prevent insurers and employers from using genetic information to discriminate against individuals. The bill has the support of dozens of organizations, as well as over 130 bipartisan cosponsors. It was developed with the review and input of all the stakeholders, including consumers, health care professionals, and providers. H.R. 2457 has been enthusiastically endorsed by the administration, and the President has called repeatedly for its passage.

Nevertheless, this legislation languishes in committee without so much as a hearing. The majority has buried this reasonable, responsible, timely legislation in favor of establishing a commission that will, in this case, simply tell us what we already know.

I have traveled all over the nation to discuss genetic discrimination issues. At every turn, I am approached by individuals who tell me that they would like to take a genetic test, but have decided not to do so because they are afraid the results will be obtained by their insurer or employer. I am contacted by doctors who say that their relationships with their patients are being damaged because patients are afraid to have notes about a genetic disorder in their medical records. I receive calls and letters from researchers who tell me that it is getting more difficult every year to recruit participants in genetic research.

Congress has already waited too long to act on this issue. We cannot waste any more time by deferring to a commission that will not report for a year and a half. I urge my colleagues to vote against H.R. 4049, and to call for its consideration under regular order.

Mr. DINGELL. Mr. Speaker, I rise in opposition to H.R. 4049, the ''Privacy Commission Act.''

We don't need a commission to study consumer privacy rights. Consumers either have the right to determine how personal information they gave others will be used, or they don't. In my view, consumers deserve this right. Spending 18 months studying privacy and $5 million of the taxpayers money will not bring us any closer to deciding this fundamental issue. Only Members of the Congress, not members of a study commission, can decide whether to protect consumer privacy.

What consumers are demanding is a simple and clear statement from Congress that banks, insurance companies, securities firms, HMO's, and other entities cannot disseminate or use personal information in ways the consumer has not approved. That's not a complicated concept, although many who don't want to protect consumer privacy will maintain that it is. One hundred and thirty-eight of our colleagues are cosponsors of one such bill that we should have the opportunity to consider either as an amendment to the bill before us or on its own.

That legislation, H.R. 2457, is sponsored by our colleague, Mrs. SLAUGHTER, and prohibits genetic discrimination in determining eligibility for health insurance and employment. Polls show that more than 80 percent of those surveyed are afraid that genetic information could be used against them. One hundred and seventy-eight of our colleagues have signed a discharge petition to bring this matter to the floor for a vote. Outside medical professional groups, including the Director of the National Human Genome Research Institute, support the bill. The administration strongly support it, and the platforms of both major national parties include planks that call for legislation like H.R. 2457.

Clearly, Members are ready to act on genetic privacy, yet the Republican House leadership says we can't. The chairman of the Commerce Committee has repeatedly rejected requests from Democratic Members to let the committee act on this important legislation. In fact, Republican leadership won't even permit an amendment prohibiting genetic discrimination to be offered to the matter before us.

That's just plain wrong, and the Republican majority should not be allowed to cite passage of this meaningless commission bill as evidence that they have concerns for consumer privacy. If they truly were concerned about consumer privacy we'd be considering Mrs. SLAUGHTER's bill, or others like it that are intended to legally protect consumer privacy, not just study it. At the very least, Members should have the right to amend this bill with proposals that provide consumers real and needed protection.

Mr. Speaker, I urge my colleagues to vote ''no'' on H.R. 4049.

Mr. WATTS of Oklahoma. Mr. Speaker today I rise in support of H.R. 4049, the Privacy Commission Act. I commend the gentleman from Arkansas, Mr. HUTCHINSON, on this fine piece of legislation.

Mr. Speaker, as we enter into this new millennium, the Internet has taken the American economy to unseen levels of prosperity. The Internet has contributed to a stock market which has reached unimaginable highs.

However, with this amazing new medium, we must be cautious of the privacy of individuals. The Internet, this storehouse of financial, personal and medical information can be easily abused and unjustly destroy people's credit, reputation and security. America's families have a right to be concerned.'' This Congress must take steps to assure families that their privacy will be protected in the modern age.

This piece of legislation will create a bipartisan committee to study privacy and its protection. Mr. Speaker this legislation will take monumental steps in protecting individual privacy in the 21st Century. This commission will spend 18 months discussing the question of privacy, and find the answers to these questions.

Mr. Speaker, I support this important piece of legislation and urge my colleagues to vote yes on H.R. 4049, the Privacy Commission Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4049, as amended.

The question was taken.

Mr. WAXMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ENHANCED FEDERAL SECURITY ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4827) to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4827

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 ''Enhanced Federal Security Act of 2000''.

SEC. 2. ENTRY BY FALSE PRETENSES TO ANY REAL PROPERTY, VESSEL, OR AIRCRAFT OF THE UNITED STATES, OR SECURE AREA OF AIRPORT.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport

''(a) Whoever, by any fraud or false pretense, enters or attempts to enter—

''(1) any real property belonging in whole or in part to, or leased by, the United States;

''(2) any vessel or aircraft belonging in whole or in part to, or leased by, the United States; or

''(3) any secure area of any airport;

shall be punished as provided in subsection (b) of this section.

''(b) The punishment for an offense under subsection (a) of this section is—

''(1) a fine under this title or imprisonment for not more than five years, or both, if the offense is committed with the intent to commit a felony; or

''(2) a fine under this title or imprisonment for not more than six months, or both, in any other case.

''(c) As used in this section—

''(1) the term 'secure area' means an area access to which is restricted by the airport authority or a public agency; and

''(2) the term 'airport' has the meaning given such term in section 47102 of title 49.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

''1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport.''.

SEC. 3. POLICE BADGES.

(a) IN GENERAL.—Chapter 33 of title 18, United States Code, is amended by adding at the end the following:

''§ 716. Police badges

''(a) Whoever—

''(1) knowingly transfers, transports, or receives, in interstate or foreign commerce, a counterfeit police badge;

''(2) knowingly transfers, in interstate or foreign commerce, a genuine police badge to an individual, knowing that such individual is not authorized to possess it under the law of the

place in which the badge is the official badge of the police;

''(3) knowingly receives a genuine police badge in a transfer prohibited by paragraph (2); or

''(4) being a person not authorized to possess a genuine police badge under the law of the place in which the badge is the official badge of the police, knowingly transports that badge in interstate or foreign commerce;

shall be fined under this title or imprisoned not more than six months, or both.

''(b) It is a defense to a prosecution under this section that the badge is used or is intended to be used exclusively—

''(1) as a memento, or in a collection or exhibit;

''(2) for decorative purposes;

''(3) for a dramatic presentation, such as a theatrical, film, or television production; or

''(4) for any other recreational purpose.

''(c) As used in this section—

''(1) the term 'genuine police badge' means an official badge issued by public authority to identify an individual as a law enforcement officer having police powers; and

''(2) the term 'counterfeit police badge' means an item that so resembles a police badge that it would deceive an ordinary individual into believing it was a genuine police badge.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 18, United States Code, is amended by adding at the end the following new item:

''716. Police badges.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4827, the legislation under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4827, the Enhanced Federal Security Act of 2000. H.R. 4827 will help make our Federal buildings and airports more secure by making it a Federal crime to enter or attempt to enter Federal property under false pretenses. Additionally, the bill will prohibit the trafficking in genuine and counterfeit police badges, which can be used by criminals, terrorists, and foreign intelligence agents to obtain unauthorized access to these secure facilities or to commit other crimes.

The gentleman from California (Mr. HORN) introduced H.R. 4827 in July, and it was reported by voice vote from the Committee on the Judiciary on September 20. The gentleman from California drafted this bill in response to the findings of an oversight investigation conducted by the Subcommittee on Crime, made public at a hearing on May 25 of this year, which revealed serious breaches of security at Federal buildings and airports.

At that hearing, GAO special agents testified that, while posing as plainclothes law enforcement officers, they targeted and penetrated 19 secure Federal buildings and two airports using fake police badges and credentials. In every case, these agents were able to enter agency buildings and secure airport areas while claiming to be armed and carrying briefcases, which were never searched, and were big enough to be packed with large quantities of explosives, chemical or biological agents. The agencies penetrated included the CIA, the Defense Department, the Pentagon, the FBI, the Justice Department, the State Department, and the Department of Energy.

To address the serious threat to our national security posed by individuals carrying fake badges and credentials, H.R. 4827 would do two things. First, it would make it a Federal crime to enter or attempt to enter Federal property or the secure area of an airport under false pretenses. A person entering such property under false pretenses would be subject to a fine and up to 6 months in prison. Additionally, a person entering such property under false pretenses, with the intent to commit a felony, would be subject to a fine and up to 5 years in prison.

H.R. 4827 would also prohibit trafficking in genuine and counterfeit police badges in interstate or foreign commerce. A person trafficking in police badges would be subject to a fine and up to 6 months in prison.

The bill creates a defense to prosecution to protect those who possess a badge as a memento, in a collection or exhibit, for decorative purposes, for dramatic presentation, or for recreational purposes.

Mr. Speaker, I want to thank the gentleman from California (Mr. HORN) for introducing this bill and the gentleman from Virginia (Mr. SCOTT) for working with us to improve it in the Committee on the Judiciary. This bill is an important step towards closing a major gap in security that currently exists at our Nation's most secure buildings and airports. We live in a time that some people call the age of terrorism. It is a time that calls for heightened vigilance and security. We must do all we can to thwart and punish those who would threaten our public safety and national security.

Mr. Speaker, I urge all my colleagues to support this important piece of legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, H.R. 4827, as the gentleman noted, seeks to prohibit those who abuse forms of false identification, including the law enforcement badge, from committing crimes against innocent people.

This legislation prohibits entry under false pretense to Federal Government buildings and the secure area of any airport, but it also bans the interstate and foreign trafficking of counterfeit and genuine police badges among those not authorized to possess such a badge. There is no attempt to harm collectors in any way. These are just people that are crooks and are rapists, and there are a whole series of these.

There is currently no Federal law dealing with counterfeit badges of State and local law enforcement agencies. Existing law only prohibits the unauthorized sale or possession of a Federal Government badge. H.R. 4827 complements existing law by prohibiting the misuse of State and local law enforcement agency badges.

This problem first came to my attention when David Singer, police chief of Signal Hill, a wonderful little community in my district, informed me how easy it is to obtain police badges. The local Fox television affiliate in Los Angeles conducted an undercover investigation in which the undercover reporter easily bought a fake Los Angeles Police Department badge, a California Highway Patrol badge, and a Signal Hill Police Department badge for relatively low cost.

Earlier this year, at the request of the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime of the Committee on the Judiciary, the General Accounting Office, as we all heard, conducted an undercover investigation of security in Federal Government buildings. This investigation revealed critical lapses in policy, and the gentleman from Florida (Mr. CANADY) has covered that.

These undercover agents flashed fake law enforcement badges, which were easily obtained through the Internet, to penetrate secure areas in 19 government offices and two major airports. The General Accounting Office agents acquired the fake badges from public sources. Counterfeit law enforcement identification was created using commercially available information downloaded from the Internet. The ease with which the General Accounting Office agents were able to penetrate security suggests that the same opportunity exists for criminals to assume false identities and engage in criminal behavior.

Fake badges are especially dangerous when used to commit crimes against innocent individuals who trust in the authority of law enforcement officials. In two separate incidents in Tampa, Florida, an unidentified man attempted to abduct a young boy by using a fake police badge. In Chicago, Illinois, police recently arrested a suspect who used a fake police badge to commit a series of home invasion and sexual assaults against women. Just last week a Newark man was charged with illegal weapons possession and impersonating an officer. After his arrest for drunken driving, an investigation revealed that he was using a fake Newark police badge to avoid arrest and mislead his family and friends.

Although the bill is focused on curbing the criminal activity associated with misuse of the badge, concern has

been voiced, as I noted earlier, by legitimate badge collectors, and we have met their concerns. H.R. 4827 includes exceptions for cases where the badge is used exclusively in a collection or exhibit, for decorative purposes, or for a dramatic presentation such as a theater film or television production.

H.R. 4827 has bipartisan support as well as the support of the Fraternal Order of Police, the International Brotherhood of Police Officers, the California Peace Officers Association, and the California Narcotics Officers Association. Mr. Speaker, I urge my colleagues to support and pass H.R. 4827.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the Enhanced Federal Security Act of 2000, which addresses in part the vulnerabilities of Federal agencies, which were exposed by the May 2000 GAO investigatory report referred to by the gentleman from Florida (Mr. CANADY).

In its original form, this bill would make it a Federal crime to enter or attempt to enter Federal property or a secure area of an airport under false pretenses. The person who enters Federal property under false pretenses is subject to a fine of up to 2 years in prison. If such an entry were done with the intent to commit a crime, the person would be punished with a fine and up to 5 years in prison.

The bill would also prohibit trafficking in police badges, whether real or counterfeit. A person trafficking in badges would be subject to a fine and up to 6 months in prison. A person is, however, permitted to possess a badge or badges in a collection or exhibit, for decorative purposes, or for dramatic presentations such as a theatrical film or television production.

Mr. Speaker, at the Subcommittee on Crime's mark of this legislation, I indicated that, while I support the purpose of the bill, I had concerns regarding certain provisions. Following discussions between our staffs, the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), offered an amendment at the full committee which addressed my concerns and which were ultimately adopted by the Committee on the Judiciary.

Specifically, the amendment reduced the possible term of imprisonment for simple trespass from 2 years to 6 months, a term which is consistent with other Federal criminal trespass provisions. Further, the amendment provides that the felony provisions under the law require entry by false pretenses with the intent to commit a felony, as opposed to any crime, which the original bill provided.

Finally, the amendment makes it clear that transferring, transporting, or receiving a replica of a police badge as a memento or for recreational purposes, such as a toy, would not constitute a criminal offense under the bill.

Mr. Speaker, with those changes, I believe that H.R. 4827 addresses the vulnerabilities of Federal agencies which were exposed in May of 2000 without sacrificing individual liberties or imposing penalties out of proportion with the underlying crime. I, therefore, commend the gentleman from California (Mr. HORN), the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), and the gentleman from Florida (Mr. CANADY) for their work on this matter; and I urge my colleagues to support the legislation.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

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

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, for all of his work, and the work of the entire committee for their work on this bill. I would also like to thank the gentleman from California (Mr. HORN) for his leadership in writing and drafting this bill. It is really about the safety of our citizens, and I believe he should be duly recognized for his efforts.

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On June 29, the gentleman from California (Mr. HORN) brought H.R. 4827 before the Speaker's Advisory Group on Corrections. The Corrections Group is a bipartisan group that seeks to fix, update or repeal outdated or unnecessary laws, rules or regulations. This bill received unanimous support from the Corrections Advisory Group.

Earlier this year, agents of the General Accounting Office were able to enter Government buildings with ease by flashing fake badges and pretending to be law enforcement officers. These agents used badges purchased over the Internet. The agents passed through security at two airports without going through the regular security measures. Agents were also able to enter the Justice Department, State Department, FBI Headquarters, and the Pentagon.

H.R. 4827 would prohibit the transfer, transport or receiving in interstate or foreign commerce of a counterfeit or a genuine police badge to an individual not authorized to possess such a badge. The bill would also make it a crime to enter a Government building under false pretenses.

I am proud as chairman of the Advisory Group and as a cosponsor to be here today speaking in favor of H.R. 4827 and would urge support of this measure.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join in congratulating the gentleman from California (Mr. HORN) for his leadership. I would like to again thank the gentleman from Virginia (Mr. SCOTT) for his cooperation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the light that has been shed on the Breaches of Security at Federal Agencies and Airports by the General Accounting Office's (GAO), Office of Special Investigation (OSI) is extremely disturbing to me. The GAO's security test of federal agencies resulted in the OSI being able to breach security at each of the nineteen federal agencies it visited, and two airports.

Mr. Speaker, the Judiciary committee's investigation has highlighted the practicing of selling stolen and counterfeit police badges on the internet and other sources, and the potential to use these items for illegal purposes including breaching the security at through the vessels of our Nation's security is very alarming, to put it mildly, and has led us to hold very informative oversight hearings on these breaches.

GAO agents testified that they breached the offices of several of the Administration's cabinet heads including the Pentagon, Department of Treasury and Department of Commerce. In each of these cases, the agents testified that after producing false badges purchased over the internet, they were waved through check points with their weapons and bags that could have contained explosive devices. In fact, the agents testified that on several occasions they were left unescorted as they wandered through the personal offices of several cabinet heads.

Under the bill, anyone who enters federal property or a secure airport by posing as a police officer would be subject to a fine and up to 6 months in prison. If that person intends to commit a felony, the felony would be a fine and up to 5 years in prison.

H.R. 4827 also prohibits transfer, transport or receipt of a counterfeit police badge through interstate or foreign commerce and provides a penalty of a fine and up to 6 months in prison for doing so. This prohibition also applies to individuals who transfer a real police badge to someone who is not authorized to have it.

Mr. Speaker, I support this legislation and urge my colleagues to pass this commonsense bill. We must not delay to act when the security of our Nation's fortress is in question.

Mr. CANADY of Florida. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4827, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for

use in such system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4640

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 ''DNA Analysis Backlog Elimination Act of 2000''.

SEC. 2. AUTHORIZATION OF GRANTS.

(a) AUTHORIZATION OF GRANTS.—The Attorney General may make grants to eligible States for use by the State for the following purposes:

(1) To carry out, for inclusion in the Combined DNA Index System of the Federal Bureau of Investigation, DNA analyses of samples taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3)).

(2) To carry out, for inclusion in such Combined DNA Index System, DNA analyses of samples from crime scenes.

(3) To increase the capacity of laboratories owned by the State or by units of local government within the State to carry out DNA analyses of samples specified in paragraph (2).

(b) ELIGIBILITY.—For a State to be eligible to receive a grant under this section, the chief executive officer of the State shall submit to the Attorney General an application in such form and containing such information as the Attorney General may require. The application shall—

(1) provide assurances that the State has implemented, or will implement not later than 120 days after the date of such application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with this section;

(2) include a certification that each DNA analysis carried out under the plan shall be maintained pursuant to the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3));

(3) include a certification that the State has determined, by statute, rule, or regulation, those offenses under State law that shall be treated for purposes of this section as qualifying State offenses;

(4) specify the allocation that the State shall make, in using grant amounts to carry out DNA analyses of samples, as between samples specified in subsection (a)(1) and samples specified in subsection (a)(2); and

(5) specify that portion of grant amounts that the State shall use for the purpose specified in subsection (a)(3).

(c) CRIMES WITHOUT SUSPECTS.—A State that proposes to allocate grant amounts under paragraph (4) or (5) of subsection (b) for the purposes specified in paragraph (2) or (3) of subsection (a) shall use such allocated amounts to conduct or facilitate DNA analyses of those samples that relate to crimes in connection with which there are no suspects.

(d) ANALYSIS OF SAMPLES.—

(1) IN GENERAL.—The plan shall require that, except as provided in paragraph (3), each DNA analysis be carried out in a laboratory that satisfies quality assurance standards and is—

(A) operated by the State or a unit of local government within the State; or

(B) operated by a private entity pursuant to a contract with the State or a unit of local government within the State.

(2) QUALITY ASSURANCE STANDARDS.—(A) The Director of the Federal Bureau of Investigation shall maintain and make available to States a description of quality assurance protocols and practices that the Director considers adequate to assure the quality of a forensic laboratory.

(B) For purposes of this section, a laboratory satisfies quality assurance standards if the laboratory satisfies the quality control requirements described in paragraphs (1) and (2) of section 210304(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)).

(3) USE OF VOUCHERS FOR CERTAIN PURPOSES.—A grant for the purposes specified in paragraph (1) or (2) of subsection (a) may be made in the form of a voucher for laboratory services, which may be redeemed at a laboratory operated by a private entity approved by the Attorney General that satisfies quality assurance standards. The Attorney General may make payment to such a laboratory for the analysis of DNA samples using amounts authorized for those purposes under subsection (j).

(e) RESTRICTIONS ON USE OF FUNDS.—

(1) NONSUPPLANTING.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources for the purposes of this Act.

(2) ADMINISTRATIVE COSTS.—A State may not use more than three percent of the funds it receives from this section for administrative expenses.

(f) REPORTS TO THE ATTORNEY GENERAL.—Each State which receives a grant under this section shall submit to the Attorney General, for each year in which funds from a grant received under this section is expended, a report at such time and in such manner as the Attorney General may reasonably require, which contains—

(1) a summary of the activities carried out under the grant and an assessment of whether such activities are meeting the needs identified in the application; and

(2) such other information as the Attorney General may require.

(g) REPORTS TO CONGRESS.—Not later than 90 days after the end of each fiscal year for which grants are made under this section, the Attorney General shall submit to the Congress a report that includes—

(1) the aggregate amount of grants made under this section to each State for such fiscal year; and

(2) a summary of the information provided by States receiving grants under this section.

(h) EXPENDITURE RECORDS.—

(1) IN GENERAL.—Each State which receives a grant under this section shall keep records as the Attorney General may require to facilitate an effective audit of the receipt and use of grant funds received under this section.

(2) ACCESS.—Each State which receives a grant under this section shall make available, for the purpose of audit and examination, such records as are related to the receipt or use of any such grant.

(i) DEFINITION.—For purposes of this section, the term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(j) AUTHORIZATION OF APPROPRIATIONS.—Amounts are authorized to be appropriated to the Attorney General for grants under subsection (a) as follows:

(1) For grants for the purposes specified in paragraph (1) of such subsection—

(A) $15,000,000 for fiscal year 2001;

(B) $15,000,000 for fiscal year 2002; and

(C) $15,000,000 for fiscal year 2003.

(2) For grants for the purposes specified in paragraphs (2) and (3) of such subsection—

(A) $25,000,000 for fiscal year 2001;

(B) $50,000,000 for fiscal year 2002;

(C) $25,000,000 for fiscal year 2003; and

(D) $25,000,000 for fiscal year 2004.

SEC. 3. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN FEDERAL OFFENDERS.

(a) COLLECTION OF DNA SAMPLES.—

(1) FROM INDIVIDUALS IN CUSTODY.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.

(2) FROM INDIVIDUALS ON RELEASE, PAROLE, OR PROBATION.—The probation office responsible for the supervision under Federal law of an individual on probation, parole, or supervised release shall collect a DNA sample from each such individual who is, or has been, convicted of a qualifying Federal offense (as determined under subsection (d)) or a qualifying military offense, as determined under section 1565 of title 10, United States Code.

(3) INDIVIDUALS ALREADY IN CODIS.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as ''CODIS'') of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, or if a DNA sample has been collected from that individual under section 1565 of title 10, United States Code, the Director of the Bureau of Prisons or the probation office responsible (as applicable) may (but need not) collect a DNA sample from that individual.

(4) COLLECTION PROCEDURES.—(A) The Director of the Bureau of Prisons or the probation office responsible (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or the probation office, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) CRIMINAL PENALTY.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(b) ANALYSIS AND USE OF SAMPLES.—The Director of the Bureau of Prisons or the probation office responsible (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) DEFINITIONS.—In this section:

(1) The term ''DNA sample'' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term ''DNA analysis'' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) QUALIFYING FEDERAL OFFENSES.—(1) The offenses that shall be treated for purposes of this section as qualifying Federal offenses are the following offenses under title 18, United States Code, as determined by the Attorney General:

(A) Murder (as described in section 1111 of such title), voluntary manslaughter (as described in section 1112 of such title), or other offense relating to homicide (as described in

chapter 51 of such title, sections 1113, 1114, 1116, 1118, 1119, 1120, and 1121).

(B) An offense relating to sexual abuse (as described in chapter 109A of such title, sections 2241 through 2245), to sexual exploitation or other abuse of children (as described in chapter 110 of such title, sections 2251 through 2252), or to transportation for illegal sexual activity (as described in chapter 117 of such title, sections 2421, 2422, 2423, and 2425).

(C) An offense relating to peonage and slavery (as described in chapter 77 of such title).

(D) Kidnapping (as defined in section 3559(c)(2)(E) of such title).

(E) An offense involving robbery or burglary (as described in chapter 103 of such title, sections 2111 through 2114, 2116, and 2118 through 2119).

(F) Any violation of section 1153 involving murder, manslaughter, kidnapping, maiming, a felony offense relating to sexual abuse (as described in chapter 109A), incest, arson, burglary, or robbery.

(G) Any attempt or conspiracy to commit any of the above offenses.

(2) The initial determination of qualifying Federal offenses shall be made not later than 120 days after the date of the enactment of this Act.

(e) REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall be carried out under regulations prescribed by the Attorney General.

(2) PROBATION OFFICERS.—The Director of the Administrative Office of the United States Courts shall make available model procedures for the activities of probation officers in carrying out this section.

(f) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after the date of the enactment of this Act.

SEC. 4. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN DISTRICT OF COLUMBIA OFFENDERS.

(a) COLLECTION OF DNA SAMPLES.—

(1) FROM INDIVIDUALS IN CUSTODY.—The Director of the Bureau of Prisons shall collect a DNA sample from each individual in the custody of the Bureau of Prisons who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(2) FROM INDIVIDUALS ON RELEASE, PAROLE, OR PROBATION.—The Director of the Court Services and Offender Supervision Agency for the District of Columbia shall collect a DNA sample from each individual under the supervision of the Agency who is on supervised release, parole, or probation who is, or has been, convicted of a qualifying District of Columbia offense (as determined under subsection (d)).

(3) INDIVIDUALS ALREADY IN CODIS.—For each individual described in paragraph (1) or (2), if the Combined DNA Index System (in this section referred to as ''CODIS'') of the Federal Bureau of Investigation contains a DNA analysis with respect to that individual, the Director of the Bureau of Prisons or Agency (as applicable) may (but need not) collect a DNA sample from that individual.

(4) COLLECTION PROCEDURES.—(A) The Director of the Bureau of Prisons or Agency (as applicable) may use or authorize the use of such means as are reasonably necessary to detain, restrain, and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

(B) The Director of the Bureau of Prisons or Agency, as appropriate, may enter into agreements with units of State or local government or with private entities to provide for the collection of the samples described in paragraph (1) or (2).

(5) CRIMINAL PENALTY.—An individual from whom the collection of a DNA sample is authorized under this subsection who fails to cooperate in the collection of that sample shall be—

(A) guilty of a class A misdemeanor; and

(B) punished in accordance with title 18, United States Code.

(b) ANALYSIS AND USE OF SAMPLES.—The Director of the Bureau of Prisons or Agency (as applicable) shall furnish each DNA sample collected under subsection (a) to the Director of the Federal Bureau of Investigation, who shall carry out a DNA analysis on each such DNA sample and include the results in CODIS.

(c) DEFINITIONS.—In this section:

(1) The term ''DNA sample'' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

(2) The term ''DNA analysis'' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

(d) QUALIFYING DISTRICT OF COLUMBIA OFFENSES.—The Government of the District of Columbia may determine those offenses under the District of Columbia Code that shall be treated for purposes of this section as qualifying District of Columbia offenses.

(e) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under subsection (a) shall, subject to the availability of appropriations, commence not later than the date that is 180 days after the date of the enactment of this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Court Services and Offender Supervision Agency for the District of Columbia to carry out this section such sums as may be necessary for each of fiscal years 2001 through 2005.

SEC. 5. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM CERTAIN OFFENDERS IN THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1565. DNA identification information: collection from certain offenders; use

''(a) COLLECTION OF DNA SAMPLES.—(1) The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary's jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (d)).

''(2) For each member described in paragraph (1), if the Combined DNA Index System (in this section referred to as 'CODIS') of the Federal Bureau of Investigation contains a DNA analysis with respect to that member, or if a DNA sample has been or is to be collected from that member under section 3(a) of the DNA Analysis Backlog Elimination Act of 2000, the Secretary concerned may (but need not) collect a DNA sample from that member.

''(3) The Secretary concerned may enter into agreements with other Federal agencies, units of State or local government, or private entities to provide for the collection of samples described in paragraph (1).

''(b) ANALYSIS AND USE OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall—

(1) carry out a DNA analysis on each such DNA sample in a manner that complies with the requirements for inclusion of that analysis in CODIS; and

(2) furnish the results of each such analysis to the Director of the Federal Bureau of Investigation for inclusion in CODIS.

''(c) DEFINITIONS.—In this section:

''(1) The term 'DNA sample' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

''(2) The term 'DNA analysis' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

''(d) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those felony or sexual offenses under the Uniform Code of Military Justice that shall be treated for purposes of this section as qualifying military offenses.

''(2) An offense under the Uniform Code of Military Justice that is comparable to a qualifying Federal offense (as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000), as determined by the Secretary in consultation with the Attorney General, shall be treated for purposes of this section as a qualifying military offense.

''(e) EXPUNGEMENT.—(1) The Secretary of Defense shall promptly expunge, from the index described in subsection (a) of section 210304 of the Violent Crime Control and Law Enforcement Act of 1994, the DNA analysis of a person included in the index on the basis of a qualifying military offense if the Secretary receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

''(2) For purposes of paragraph (1), the term 'qualifying offense' means any of the following offenses:

''(A) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

''(B) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

''(C) A qualifying military offense.

''(3) For purposes of paragraph (1), a court order is not 'final' if time remains for an appeal or application for discretionary review with respect to the order.

''(f) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation and the Attorney General. Those regulations shall apply, to the extent practicable, uniformly throughout the armed forces.''.

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

''1565. DNA identification information: collection from certain offenders; use.''.

(b) INITIAL DETERMINATION OF QUALIFYING MILITARY OFFENSES.—The initial determination of qualifying military offenses under section 1565(d) of title 10, United States Code, as added by subsection (a)(1), shall be made not later than 120 days after the date of the enactment of this Act.

(c) COMMENCEMENT OF COLLECTION.—Collection of DNA samples under section 1565(a) of such title, as added by subsection (a)(1), shall, subject to the availability of appropriations, commence not later than the date that is 60 days after the date of the initial determination referred to in subsection (b).

SEC. 6. EXPANSION OF DNA IDENTIFICATION INDEX.

(a) USE OF CERTAIN FUNDS.—Section 811(a)(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended to read as follows:

''(2) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from—

''(A) individuals convicted of a qualifying Federal offense, as determined under section 3(d) of the DNA Analysis Backlog Elimination Act of 2000;

''(B) individuals convicted of a qualifying District of Columbia offense, as determined under section 4(d) of the DNA Analysis Backlog Elimination Act of 2000; and

''(C) members of the Armed Forces convicted of a qualifying military offense, as determined under section 1565(d) of title 10, United States Code.''.

(b) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (b)(1), by inserting after ''criminal justice agency'' the following: ''(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)'';

(2) in subsection (b)(2), by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual'';

(3) in subsection (b)(3), by inserting after ''criminal justice agencies'' in the matter preceding subparagraph (A) the following: ''(or the Secretary of Defense in accordance with section 1565 of title 10, United States Code)''; and

(4) by adding at the end the following new subsection:

''(d) EXPUNGEMENT OF RECORDS.—

''(1) BY DIRECTOR.—(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index on the basis of a qualifying Federal offense or a qualifying District of Columbia offense (as determined under section 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000, respectively) if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned.

''(B) For purposes of subparagraph (A), the term 'qualifying offense' means any of the following offenses:

''(i) A qualifying Federal offense, as determined under section 3 of the DNA Analysis Backlog Elimination Act of 2000.

''(ii) A qualifying District of Columbia offense, as determined under section 4 of the DNA Analysis Backlog Elimination Act of 2000.

''(iii) A qualifying military offense, as determined under section 1565 of title 10, United States Code.

''(C) For purposes of subparagraph (A), a court order is not 'final' if time remains for an appeal or application for discretionary review with respect to the order.

''(2) BY STATES.—(A) As a condition of access to the index described in subsection (a), a State shall promptly expunge from that index the DNA analysis of a person included in the index by that State if the responsible agency or official of that State receives, for each conviction of the person of an offense on the basis of which that analysis was or could have been included in the index, a certified copy of a final court order establishing that such conviction has been overturned.

''(B) For purposes of subparagraph (A), a court order is not 'final' if time remains for an appeal or application for discretionary review with respect to the order.''.

SEC. 7. CONDITIONS OF RELEASE.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (8) the following:

''(9) that the defendant cooperate in the collection of a DNA sample from the defendant if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.''.

(b) CONDITIONS OF SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended by inserting before ''The court shall also order'' the following: ''The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000.''.

(c) CONDITIONS OF PAROLE.—Section 4209 of title 18, United States Code, insofar as such section remains in effect with respect to certain individuals, is amended by inserting before ''In every case, the Commission shall also impose'' the following: ''In every case, the Commission shall impose as a condition of parole that the parolee cooperate in the collection of a DNA sample from the parolee, if the collection of such a sample is authorized pursuant to section 3 or section 4 of the DNA Analysis Backlog Elimination Act of 2000 or section 1565 of title 10.''.

(d) CONDITIONS OF RELEASE GENERALLY.—If the collection of a DNA sample from an individual on probation, parole, or supervised release is authorized pursuant to section 3 or 4 of this Act or section 1565 of title 10, United States Code, the individual shall cooperate in the collection of a DNA sample as a condition of that probation, parole, or supervised release.

SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DRUG CONTROL AND SYSTEM IMPROVEMENT GRANTS.—Section 503(a)(12)(C) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)(12)(C)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

(b) DNA IDENTIFICATION GRANTS.—Section 2403(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796kk–2(3)) is amended by striking '', at regular intervals not exceeding 180 days,'' and inserting ''semiannual''.

(c) FEDERAL BUREAU OF INVESTIGATION.—Section 210305(a)(1)(A) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14133(a)(1)(A)) is amended by striking '', at regular intervals of not to exceed 180 days,'' and inserting ''semiannual''.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out this Act (including to reimburse the Federal judiciary for any reasonable costs incurred in implementing such Act, as determined by the Attorney General) such sums as may be necessary.

SEC. 10. PRIVACY PROTECTION STANDARDS.

(a) IN GENERAL.—Except as provided in subsection (b), any sample collected under, or any result of any analysis carried out under, section 2, 3, or 4 may be used only for a purpose specified in such section.

(b) PERMISSIVE USES.—A sample or result described in subsection (a) may be disclosed under the circumstances under which disclosure of information included in the Combined DNA Index System is allowed, as specified in subparagraphs (A) through (D) of section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3)).

(c) CRIMINAL PENALTY.—A person who knowingly—

(1) discloses a sample or result described in subsection (a) in any manner to any person not authorized to receive it; or

(2) obtains, without authorization, a sample or result described in subsection (a),

shall be fined not more than $100,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. 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 extraneous material on H.R. 4640.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4640, the DNA Analysis Backlog Elimination Act, was introduced by the gentleman from Florida (Mr. MCCOLLUM) together with the gentleman from Virginia (Mr. SCOTT) the ranking minority member, the gentleman from Ohio (Mr. CHABOT), the gentleman from New York (Mr. WEINER), and the gentleman from New York (Mr. GILMAN) to address an important problem, the massive backlog of biological samples awaiting DNA analysis in the States.

According to the Justice Department's Bureau of Justice Statistics, approximately 69 percent of publicly operated forensic crime labs across the country have a backlog of unprocessed samples awaiting DNA analysis. While we do not have solid numbers for the total of crime scene and victim samples awaiting analysis, some estimates run into the tens of thousands.

We do know that the backlog of unprocessed samples taken from convicted offenders is nearing 300,000. Even the FBI's own crime lab in Washington has a backlog of samples awaiting DNA analysis.

Our bill addresses this problem by authorizing funding to eliminate the backlog. States seeking funding under the program created by the bill will be required to make application for this funding through the Justice Department's Office of Justice Programs. States seeking these funds will be required to develop and submit to that office a comprehensive plan to eliminate any backlog of samples awaiting DNA analysis.

Many of the samples analyzed will be loaded into the FBI's Combined DNA Index System, known as ''CODIS,'' a national compute database authorized by Congress in 1994. The purpose of this database is to match DNA samples from crime scenes where there are no suspects with the DNA of convicted offenders.

Clearly, the more samples we have in the system, the greater the likelihood we will come up with matches and solve cases.

One glaring omission in the law that authorized CODIS is that it did not authorize the taking of DNA samples from persons convicted of Federal offenses, District of Columbia offences, and offenses under the Uniform Code of Military Justice. H.R. 4640 will correct that omission. The offenses triggering the sample requirement for Federal and military offenders are specified in the bill and consistent of a number of felony crimes, most involving violence or sex offenses.

The bill leaves it to the District of Columbia government to determine those offenses that will trigger the sample requirement under District of Columbia law. Also, as amended, the bill requires that samples of offenders whose convictions are overturned be removed from the CODIS database. This will be the requirement regardless of whether the offender was convicted of a Federal or State crime.

H.R. 4640 is similar to three bills introduced by the gentleman from Rhode Island (Mr. KENNEDY), the gentleman from New York (Mr. WEINER) and the gentleman from New York (Mr. GILMAN), all three of which were the subject of a hearing before the Subcommittee on Crime on March 23, 2000. The bill before us today builds on the foundation laid by those bills, and I am pleased that the sponsors of those bills are original cosponsors of H.R. 4640.

As this bill has moved through the committee, it has been approved by amendments on both sides. The result is a very good bill, and I am pleased that this bill is the product of that bipartisan cooperation.

I am also pleased to inform my colleagues that H.R. 4640 is supported by the administration, the Federal Law Enforcement Officers Association, and the Fraternal Order of Police.

I want to particularly acknowledge the leadership of the gentleman from Florida (Mr. MCCOLLUM) the chairman of the Subcommittee on Crime, on this important legislation. He has really made it possible for us to bring this legislation forward here today.

I also want to particularly thank the gentleman from Virginia (Mr. SCOTT) the ranking member of the Subcommittee on Crime, for all of his help in crafting the legislation and for being an original cosponsor of the bill which is before the House now.

I urge all of my colleagues to support this important legislation.

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

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

Mr. Speaker, I rise in support of the DNA Analysis Backlog Elimination Act of 2000. This bill represents a compilation of the fine effort by several of our colleagues to address the DNA analysis backlog that has accumulated at laboratories all over the country.

Earlier we conducted in the Subcommittee on Crime hearings on three DNA backlog elimination bills introduced by the gentleman from New York (Mr. GILMAN), the gentleman from Michigan (Mr. STUPAK), the gentleman from Rhode Island (Mr. KENNEDY) and members of the Committee on the Judiciary, the gentleman from New York (Mr. WEINER) and the gentleman from Ohio (Mr. CHABOT).

Elimination of the DNA analysis backlog would be a significant step forward in having our criminal justice system more accurately dispense justice. Not only will it greatly enhance the efficiency and effectiveness of our criminal justice systems throughout the country, but it would also save lives by allowing apprehension and detention of dangerous individuals while eliminating the prospects that innocent individuals would be wrongly held for crimes that they did not commit.

At the same time, I think it is important to recognize that with this expansion comes the increased likelihood that DNA samples and analyses may be misused. We must be ever mindful of our responsibility to protect the privacy of this DNA information, ensuring that it be used only for law enforcement purposes.

To that end, I was pleased that the Committee on the Judiciary agreed to an amendment that would impose criminal penalties for anyone who uses DNA samples or analyses for purposes not designated by the law enforcement officials.

I am also grateful that the majority provided for the expungement of DNA information on individuals whose convictions have been overturned on appeal.

In addition to the criminal penalties for misuse of DNA, I believe that we should encourage each State to develop a specific security protocol to prevent misuse of such samples, since the DNA does include sensitive personal information. This approach will be the only way to ensure that DNA analysis will not be used for unlawful purposes.

This legislation is a positive step for law enforcement, but I am disappointed that it does not include any requirement on States to provide access to DNA testing to convicted persons who did not have the opportunity for DNA testing at the time of their trial. I am hoping that the next Congress will consider additional legislation which would ensure that funds provided for H.R. 4640 might be made available to provide persons who want to prove that they were wrongfully convicted.

Nevertheless, Mr. Speaker, I am very aware of the benefits of this legislation. In fact, through his outstanding work in Virginia, Dr. Paul B. Ferrara, Virginia's Director of the Division of Forensic Sciences, has led efforts in this country on the use of DNA for criminal justice purposes. That is why I am pleased to be a cosponsor of this legislation and urge my colleagues to support the bill.

Mr. STUPAK. Mr. Speaker, I am pleased that the U.S. House is today taking up the DNA Analysis Backlog Elimination Act of 2000 bill. I originally introduced a bill addressing the DNA backlog problem with my colleagues Mr. GILMAN and Mr. RAMSTAD in November 1999. I am so pleased to support this bill on suspension today, as this body acts to bring desperately needed help to our law enforcement during these waning days of the 106th Congress.

This help does not come a moment too soon.

I would like to thank Mr. MCCOLLUM, Mr. SCOTT, Mr. CHABOT, Mr. WEINER and Mr. KENNEDY and all the other Judiciary Committee members who devoted their time and energy to move this important issue to the forefront. This bill would not be on the floor today without the hard work of these members, who held hearings and worked to craft this joint legislation.

This bill helps states and the FBI take a giant step in the fight against crime by eliminating the national backlog of DNA records. Federal, state and local law enforcement will be more connected, and better able to work together to solve crimes. It also closes significant loopholes that currently exist whereby the DNA samples of federal, military and District of Columbia serious offenders are not being collected. Lastly, it contains important privacy and expungement provisions, so that the rights of individual are protected as well.

Right now, state and local police departments cannot deal with the number of DNA samples from convicted offenders and unsolved crimes. These states simply do not have enough time, money, or resources to test and record these samples.

According to the Detroit Free Press, as of May 2000, Michigan has collected 15,000 blood samples from sex offenders since 1991, but state police have so far only run DNA analysis on 500 of them! This is truly frightening.

Unanalyzed and unrecorded DNA samples are useless to law enforcement and to criminal investigations. Let me illustrate why we need these samples tested and recorded, why we need this bill.

John Doe is a convicted offender serving time for a sexual assault. By law, his DNA has been collected, but because of the backlog, it has not been tested and is not in the law enforcement database. John Doe gets out of jail, he commits another sexual assault, and gets away, unidentified by the victim.

Even if the police collect his DNA from the subsequent crime scene, he will not be caught, and his DNA will not be matched up, because his previous DNA sample is sitting on a shelf, still waiting to be tested. In Michigan, his sample would be sitting with the almost 15,000 other samples—untested and therefore useless.

John Doe will stay on the streets, and he will commit more crimes.

This bill does not come a moment too soon, every day that goes by, a real John Doe is out there, committing more rapes, robberies, murders, when he could have been stopped.

This bill also ensures that the DNA samples of federal, District of Columbia, and military offenders are analyzed. The broader the database police have to work with, the better their ability to solve unsolved crimes and prevent future ones.

Because of this bill, you will see the number of unsolved cases go down, and you might see some people freed from jail, exonerated by the new DNA records available. It opens a door to better all around law enforcement and criminal investigation.

We are answering the call for help by police, communities, and victims, and it will save lives. This bill finally strikes back at criminals that until now have been able to strike and strike again and again at our society without being caught.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank, Mr. MCCOLLUM, Mr. SCOTT, and the other Members of the Judiciary Committee for their hard work on this important crime issue.

In September of last year, I introduced, along with Congressman CHABOT and Congressman VISCLOSKY, The Violent Offender DNA Identification Act of 1999, H.R. 2810.

This bipartisan measure is the predecessor bill to H.R. 4640, which I also was proud to cosponsor.

These bills will put more criminals behind bars by correcting practical and legal obstacles that leave crucial DNA evidence unused and too many violent crimes unsolved.

Every week we hear stories about DNA evidence. Whether it is a prisoner on death row for a crime he didn't commit who is released by DNA evidence or a criminal suspect finally brought to justice using DNA evidence, DNA is making headlines.

Currently, all 50 states require DNA samples to be obtained from certain convicted offenders, and these samples can be shared through a national data base known as CODIS.

The data base is installed in over ninety laboratories and nearly five hundred thousand samples are classified and stored in it.

To date, the FBI has recorded hundreds of matches through DNA data bases, helping solve numerous crimes. As valuable as this system is, it is not being utilized effectively. The problems with the current system include backlog and jurisdiction.

The FBI estimates that there are several hundred thousand DNA samples that have been collected, but still need to be analyzed.

In my State of Rhode Island, the DNA collection began only a year and one half ago, but already there is a backlog of a hundred samples.

Today's bipartisan bill, which was crafted with input from organizations including the FBI and the ACLU, would address this backlog problem and ensure that more crimes will be solved through the matching of DNA evidence.

The bill does two critical things. First, it provides one hundred and seventy million dollars in grants to eliminate the backlog to states to increase their capability to perform DNA analysis. Second, the bill allows Federal, Military and District of Columbia law enforcement agencies to collect DNA evidence.

Under current law, Federal Courts and the local courts of the District of Columbia do not have this ability.

The Federal Courts and the District of Columbia have indicated their support for the ability to conduct testing as states do.

From my home State of Rhode Island, I have heard from lab experts and local law enforcement leaders on the need for this legislation.

It is clear that law enforcement supports legislation in this area. And it is our job in Congress to balance this law enforcement need with the privacy needs of our citizens.

Recently, Congress has been very active on the DNA backlog issue.

I strongly feel that H.R. 4640, however, is the most effective piece of legislation on this topic because it has several provisions to guarantee civil liberties, excludes juveniles from this database and provides for the automatic right to expungement of a sample if a conviction is overturned.

The main sponsors of H.R. 4640, particularly the Ranking Member of the Crime Subcommittee, Mr. SCOTT, worked extensively with the ACLU to address many of their concerns, while taking our underlying model for the bill from the FBIs recommendations.

I feel strongly, that there are several areas of H.R. 4640 that could have been improved upon—including the clear prohibition on the use of funds for arrestee testing, and more specific requirements on States to provide DNA testing to convicted persons who did not have access at the time of their trial.

But, overall this bill has been crafted with the careful and attentive work of both sides of the aisle, in the hopes that it may be further improved during a conference with the other body.

In a bipartisan fashion, we attended to many civil liberty concerns and, therefore, narrowed the types of crimes covered, mandated stricter protocols for the use of DNA, and excluded juvenile offenders.

In this process, we came up with a bill that all members of the House can support.

Violent criminals should not be able to evade arrest simply because a state didn't analyze its DNA samples or because an inexcusable loophole leaves Federal and D.C. offenders out of the DNA data base.

We have the technology to revolutionize law enforcement and forensic science and the key to unlock the door of unsolved crimes—we must use this capacity and make these goals a reality.

Lastly, I want to recognize the hard work of several staffers who were integral in bringing this bill to the floor, most notably. Mr. Bobby Vassar, Minority Counsel for the Judiciary Committee, Mr. Glenn Schmitt with the Majority staff, and Ms. Elizabeth Treanor, Counsel for Mr. Chabot.

I urge all of my colleagues to support the "DNA Analysis Backlog Elimination Act."

Mr. GILMAN. Mr. Speaker, I would like to express my gratitude to Chairman MCCOLLUM for his dedication and diligence in bringing H.R. 4640, the DNA Analysis Backlog Elimination Act, to the floor today, and am pleased that this legislation reflects many of the provisions outlined in my measure, H.R. 3375, the Convicted Offender DNA Index System Support Act. I've had the pleasure of working closely with him, Ranking Member SCOTT, and Representatives RAMSTAD, STUPAK, KENNEDY, WEINER, and CHABOT, in developing this legislation, which will meet the needs of prosecutors, law enforcement, and victims throughout our Nation.

Mr. Speaker, in 1994, the Congress passed the DNA Identification Act, which authorized the construction of the Combined DNA Index System, or CODIS, to assist our Federal, State and local law enforcement agencies in fighting violent crime throughout the Nation. CODIS is a master database for all law enforcement agencies to submit and retrieve DNA samples of convicted violent offenders. Since beginning its operation in 1998, the system has worked extremely well in assisting law enforcement by matching DNA evidence with possible suspects and has accounted for the capture of over 200 suspects in unsolved violent crimes.

However, because of the high volume of convicted offender samples needed to be analyzed, a nationwide backlog of approximately 600,000 unanalyzed convicted offender DNA samples has formed. Furthermore, because the program has been so vital in assisting crime fighting and prevention efforts, our States are expanding their collection efforts. Recently, New York State Governor George Pataki enacted legislation to expand N.Y. State's collection of DNA samples to require all violent felons and a number of non-violent felony offenders, and, earlier this year, the use of the expanded system resulted in charges being filed in a 20-year-old Westchester County murder.

State forensic laboratories have also accumulated a backlog of evidence for cases for which there are no suspects. These are evidence "kits" for unsolved violent crimes which are stored away because our State forensic laboratories do not have the support necessary to analyze them and compare the evidence to our nationwide data bank. Presently, there are approximately 12,000 rape cases in New York City alone, and, it is estimated, approximately 180,000 rape cases nationwide, which are unsolved and unanalyzed. This number represents a dismal future for the success for CODIS and reflects the growing problem facing our law enforcement community. The DNA Analysis Backlog Elimination Act will provide States with the support necessary to combat these growing backlogs. The successful elimination of both the convicted violent offender backlog and the unsolved casework backlog will play a major role in the future of out State's crime prevention and law enforcement efforts.

The DNA Analysis Backlog Elimination Act will also provide funding to the Federal Bureau of Investigation to eliminate their unsolved casework backlog and close a loophole created by the original legislation. Although all 50 states require DNA collection from designated convicted offenders, for some inexplicable reason, convicted Federal, District of Columbia and Military offenders are exempt. H.R. 4640 closes that loophole by requiring the collection of samples from any Federal, Military, or D.C. offender convicted of a violent crime.

Mr. Speaker, as you are aware, our Nation's fight against crime is never over. Every day, the use of DNA evidence is becoming a more important tool to our nation's law enforcement in solving crimes, convicting the guilty and exonerating the innocent. The Justice Department estimates that erasing the convicted offender backlog nationwide could resolve at least 600 cases. The true amount of unsolved cases, both State and Federal, which may be concluded through the elimination of the both backlogs is unknown. However, if one more case is solved and one more violent offender is detained because of our efforts, we have succeeded.

In conclusion, we must ensure that our nation's law enforcement has the equipment and support necessary to fight violent crime and protect our communities. The DNA Analysis Backlog Elimination Act will assist our local,

State and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 4640, which would assist the states in reducing the backlog of DNA samples that have been collected from convicted offenders and crime scenes.

Recent reports indicate that in my own home state of California there are more than 100,000 unprocessed DNA samples. Even using the state's most optimistic projections, it will take two years to clear that backlog.

Many states are similarly situated. Mired with both funding and collection problems, the U.S. solves far fewer crimes with DNA. But, the potential for improvement is great. While the U.S. may never match Great Britain, which has a long-established DNA database and is reported to crack 300 to 500 cases a week, reducing the backlog of DNA samples will provide both law enforcement with an increasingly important investigative and prosecutorial tool.

H.R. 4640 addresses the backlog by providing a series of grants to assist the states in processing DNA samples collected from violent offenders and samples collected from crime scenes and victims of crime. Specifically, the bill authorizes $15 million a year in grants for the next three years to process convicted offender DNA samples. In addition, it provides $25 million to reduce the backlog of crime scene samples, an intrinsically more expensive processing, by both expanding state laboratory facilities and allowing states to contract with private labs.

As important, the bill closes a loophole that has existed with respect to individuals convicted of violent federal crimes and held in federal facilities. Currently, there is no requirement that DNA samples be taken from persons convicted of certain federal crimes. H.R. 4640 fixes this oversight. Of particular interest to me is the bill's requirement that DNA be collected from individuals convicted of violent and sexual offenses under the Uniform Code of Military Justice (UCMJ).

I authored a similar provision in the House-passed FY01 National Defense Authorization Act (H.R. 4205). That language required the Department of Defense to collect, process and analyze DNA identification information from violent and sexual offenders and to provide that information to the Combined DNA Index System (CODIS), national registry of DNA samples. Currently, the Department is not required to collect DNA samples from individuals convicted of qualifying UCMJ offenses.

There is clearly a need to close this loophole. In calendar year 1999, the total number of prisoners under confinement within the Department of Defense correctional facilities for terms other than life or a sentence of death was 963. Of those, 51.5% were confined because of violent and sexual offenses, the kind of offenses for which both H.R. 4640 and H.R. 4205 would require the DoD to collect DNA samples. Under both bills, the DoD would collect, process and analyze DNA samples and provide them to the CODIS database.

Several statistics about the characteristics of the civilian prison population underscore the importance of closing this loophole.

While the number of veterans in the prison facilities nationwide declined as a percentage of the total prison population between 1985 and 1998, the absolute number rose 46%, from 154,600 to 225,700. According to the most recent data available (1997), a majority (55%) of veterans was sentenced for a violent offense (compared to 46% for non-veterans). And, veterans were twice as likely as non-veterans to be sentenced for a sexual assault, including rape (18% versus 7%).

The data do not answer precisely the question of how many veterans have a prior conviction as a member of the Armed Forces before a subsequent contact with the federal, state or local criminal justice system. However, the data show that 13.8% of the veterans in local jails, 17.4% of veterans in state prison, and 14.9% of veterans in federal prison were not honorably discharged. Many of these veterans had more serious criminal histories than those incarcerated veterans who had been honorably discharged. In fact, 43% of veterans not honorably discharged had at least three prior sentences, compared to 36% of those honorably discharged.

These data support the argument for imposing on the Department of Defense the requirement to collect DNA samples from service members convicted of a qualifying violent or sexual offense. By requiring the collection of DNA, it is likely that service members convicted of a qualifying UCMJ offense may be more readily identified, and quite possibly cleared, should they be suspected of perpetrating a violent crime as a civilian.

I strongly support H.R. 4640. It makes major strides in assisting the states in reducing the DNA backlog and in closing a loophole by which DNA samples from certain federal prisoners was not collected nor added to the national DNA database.

I urge passage of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to extend my gratitude to my colleagues who are interested in providing the fairest possible procedures in the application of the death penalty, the most serious punishment in the criminal justice system.

Much progress has been made since the recent mark-up session regarding this bill. In general, H.R. 4640 provides for the collection and use of DNA identification information from individuals convicted of a qualifying violent or sexual offense under the Federal code, UCMJ, or District of Columbia Code.

DNA (deoxyribonucleic acid), a high tech genetic fingerprint, was first introduced into evidence in a United States court in 1986. After surviving many court challenges, DNA evidence is now admitted in all United States jurisdictions. In fact, it has become the predominant forensic technique for identifying criminals when biological issues are left at a crime scene.

In the Violent Crime Control and Law Act of 1994 (1994 Crime Bill), Congress authorized the FBI to create a national index of DNA samples taken from convicted offenders, crime scenes and victims, and unidentified human remains. This was a crucial step forward because DNA has played such a significant role in our criminal justice system.

In response, the FBI established the Combined DNA index System (CODIS). CODIS allows State and local forensic laboratories to exchange and compare DNA profiles electronically in an attempt to link evidence from crime scenes for which there are no suspects to DNA samples on file in the system. Today, CODIS is well established across the nation.

All fifty states have enacted statutes requiring certain convicted offenders to provide DNA samples for analysis and entry into the CODIS system. Nevertheless, it is important to point out that samples from persons convicted of federal crimes, crimes under the District of Columbia code, or offenses under the Uniform Code of Military Justice (UCMJ), are not presently being taken because there is no statutory authority to do so.

In addition, the Department of Justice's Bureau of Statistics (BJA) reports that as of December 1997, approximately 60 percent of the publicly operated forensic crime labs across the country reported a DNA backlog totaling 6,800 unprocessed DNA case samples and an additional 287,000 unprocessed convicted offender samples. While I am encouraged that forensic labs have responded by hiring additional staff and increasing overtime, Congress has merely appropriated $30 million toward solving the problem. Like some of my colleagues, I am concerned that the backlog continues to grow without adequate resources.

To qualify for funding under this legislation, a state must develop a plan to eliminate any backlog of samples and federal funding under the program may be awarded for up to 75 percent of the cost of the states plan. This is an important step forward in the use of DNA evidence in our federal courts.

I also believe that this legislation would ensure the collection and use of DNA identification information in CODIS from persons convicted of a qualifying violent or sexual offense under the federal code, UCMJ, or District of Columbia Code. Indeed, technical revisions have been made to the preliminary legislation that only strengthen the bill's application several offenses.

It is crucial for defendants to have access to the CODIS system in circumstances that possibly establish innocence. This is particularly important, for instance, in the growing number of capital cases where DNA identification information make a crucial difference.

Reducing the backlog regarding DNA identification information in federal courts is very important for our criminal justice system. To the extent that this legislation helps to eliminate the backlog through these grants, we can work towards establishing a more reliable justice system.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4640, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STOP MATERIAL UNSUITABLE FOR TEENS ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4147) to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors.

The Clerk read as follows:

H.R. 4147

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 ''Stop Material Unsuitable for Teens Act''.

SEC. 2. AGE INCREASE.

Section 1470 of title 18, United States Code, is amended by striking ''16'' each place it appears and inserting ''18''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. 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 extraneous material on H.R. 4147.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO).

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

Mr. Speaker, I rise in support of H.R. 4147, the Stop Material Unsuitable for Teens Act.

In 1998, the Congress passed and the President signed into law the Protection of Children from Sexual Predators Act. This legislation sought to address many practices carried out to the detriment of our youth. This included halting child pornography online to cracking down on violent offenders.

H.R. 4147 would simply include those children under the age of 18 to the list of those who should be protected from harmful and potentially damaging material.

The Protection of Children from Sexual Predators Act also contained new language which provided for enhanced penalties for individuals who knowingly transfer obscene materials to juveniles whether through the mail or interstate commerce. These enhanced penalties carry the weight of up to 10 years incarceration, and/or applicable fines, compared with previous federal statutes under Title 18 of the United States Code that only carried a penalty of 5 years.

The bill is important for it builds upon the efforts of this body to regulate and stem the flood of obscene material throughout this country.

H.R. 4147 would build upon the efforts taken in 1998 to increase penalties against transferring obscene materials to juveniles under 16 years of age. It would raise the age limit for enhanced penalties for transfer to juveniles to 18 years of age and close the loophole left in the law by not protecting youth between the ages of 16 and 18.

If this body is going to act on behalf of our children and concerned parents in limiting exposure to obscene materials, then we should act accordingly and across the board for all juveniles.

The bill would not limit any material that is protected by the First Amendment. It would only limit the material which is defined as obscene.

The Supreme Court has gone on record several times as saying that obscene material is not protected by the First Amendment. Additionally, the Supreme Court has defined ''obscenity'' on several other occasions.

The bill in no way will prohibit the exchange of protected material and is designed solely to protect all children from what is clearly inappropriate material. More than 32 years ago, the Court recognized the harm to minors from pornography and the need to protect minor children from pornography in the case of Ginsberg v. New York. The Court ruled that protecting children from exposure to pornography is a ''transcendent interest'' of government because it concerns ''the health, safety, welfare and morals of its community by barring the distribution to children of books recognized to be suitable for adults.''

Furthermore, obscene material is an effective tool in the hands of predators. Pedophiles use the material as part of the seduction process of children. It is used to engage children and lure them into activities that pedophiles find acceptable and the rest of us find deplorable.

This bill, in short, would extend protection from pedophiles to those under the age of 18.

□ 1600

I would ask all my colleagues to support our children and support this bill. We should make sure that those who would seek to spread this filth knowingly to our children be ready to pay the price of up to 10 years behind bars. I believe strongly that it is the role of this body to protect children across the Nation from both direct violent harm and also from the type of harm that comes from being confronted with this kind of material at such a young age.

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

Mr. Speaker, this came to our attention late Friday afternoon that it would be on suspension and not available for amendment or any discussion. So I have been having a little trouble getting the details on it. We have contacted the sentencing commission that indicated a problem with the bill and, that is, there are certain sentencing inconsistencies. For example, if an 18-year-old were to have consensual sex with a 17-year-old, that would not be a Federal crime nor a crime in most States. However, if they shared dirty pictures, then that would be a Federal crime. Perhaps the sponsor of the bill or someone on the other side could explain to me what the probable effect of this legislation would be for the 18-year-old sharing pictures with a 17-year-old, what the effect of this legislation would be.

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

Mr. SCOTT. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Speaker, the bill sets out the parameters very specifically, referring only to materials unsolicited, and in a case where someone is transferring that kind of material using the interstate, transferring that kind of material, unsolicited to anybody, they would be affected by the measures in this bill.

Mr. SCOTT. If the gentleman would respond, what would be the difference in sentencing? If the two went from Washington, D.C. to Northern Virginia and had consensual sex and shared dirty pictures, what would be the effect of this bill? It is already illegal to share those dirty pictures right now. It would be a Federal offense. What would be the impact of this bill on that Federal crime?

Mr. TANCREDO. If the gentleman will yield further, I do not know that there would be any impact of this bill on the particular situation that the gentleman identifies. Two people engaged in consensual sex, of course, that has nothing to do with this piece of legislation. Sharing materials at that point in time has nothing to do with this legislation. Quote, ''dirty pictures,'' as the gentleman characterizes it, I do not know that that has anything to do with this legislation because, of course, the Supreme Court has already determined that you can distinguish between certain materials that some people would find objectionable to the kind of materials that this covers, which are strictly pornographic. It is the transfer of that material, unsolicited transfer of that material, from one person to another underage that this deals with. So I do not think, unless I mistook the gentleman's characterization of this particular action, that it would have any impact.

Mr. SCOTT. Mr. Speaker, in all due respect, I did not get an answer to my question. The bill would have an impact. I have not been able to determine exactly what that impact would be. But the point of the consensual sex was that they could be in bed not committing an offense and as soon as the 18-year-old showed some obscene pictures to the 17-year-old, then you would have a Federal crime. That is the present law. You cannot distribute obscene material. My question was, what would the impact of this bill have on that situation, because apparently there would be an enhanced punishment. I have not been able to ascertain what the enhancement would be.

Mr. TANCREDO. Once again, the bill is very specific about the method of transfer of the material we are talking about. In what you describe, there is no effect from this particular piece of legislation. It has got nothing to do with it.

Mr. CANADY of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. CANADY of Florida. This is a very simple bill. It amends a statutory provision, which I will read. It is short enough for us to read right here and see what is being amended. The prohibition is this:

''Whoever using the mail or any facility or means of interstate or foreign commerce knowingly transfers obscene matter to another individual who has not attained the age of 16 years, that is currently in the statute, the bill raises that to 18 years, knowing that such other individual has not attained the age of, raised from 16 years to 18 years, or attempts to do so shall be fined under this title, imprisoned not more than 10 years, or both.''

But it requires the use of the mail or other facilities or means of interstate or foreign commerce.

Mr. SCOTT. If the gentleman would respond, that would include e-mail or any other interstate commerce, could mean you could take it across the State line from Washington, D.C. to Northern Virginia.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice concerns regarding H.R. 4147, the Stop Material Unsuitable for Teens Act, which is before the House today under suspension. This bill should it become law would raise the age of minors to whom adults could be penalized for giving obscene materials from age 16 to age 18.

I would hope that this measure would offer some additional protection to children from those who would do them harm, but it appears that this bill will be going over ground that has already been covered by the passage into law of the Protection of Children From Sexual Predators Act (PL 105–314).

This law would amend the Protection of Children From Sexual Predators Act which prohibits transferring obscene material through the Internet or mail to children under 16 years of age. Violators under current law are subject to a mandatory prison sentence of 10 years.

Should the effort to pass this legislation be successful, I would hope that in keeping with the spirit of this change in the law I would hope that the definition of adult would also be amended. Because I believe that it would be judicially unproductive should an 18-year-old be found in violation of this law by providing inappropriate material to another 18-year-old and made to endure the full penalty that this bill provides for.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4147.

The question was taken.

Mr. CANADY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL POLICE ATHLETIC LEAGUE YOUTH ENRICHMENT ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3235) 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, as amended.

The Clerk read as follows:

H.R. 3235

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 ''National Police Athletic League Youth Enrichment Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The goals of the Police Athletic League are to—

(A) increase the academic success of youth participants in PAL programs;

(B) promote a safe, healthy environment for youth under the supervision of law enforcement personnel where mutual trust and respect can be built;

(C) increase school attendance by providing alternatives to suspensions and expulsions;

(D) reduce the juvenile crime rate in participating designated communities and the number of police calls involving juveniles during nonschool hours;

(E) provide youths with alternatives to drugs, alcohol, tobacco, and gang activity;

(F) create positive communications and interaction between youth and law enforcement personnel; and

(G) prepare youth for the workplace.

(2) The Police Athletic League, during its 55-year history as a national organization, has proven to be a positive force in the communities it serves.

(3) The Police Athletic League is a network of 1,700 facilities serving over 3,000 communities. There are 320 PAL chapters throughout the United States, the Virgin Islands, and the Commonwealth of Puerto Rico, serving 1,500,000 youths, ages 5 to 18, nationwide.

(4) Based on PAL chapter demographics, approximately 82 percent of the youths who benefit from PAL programs live in inner cities and urban areas.

(5) PAL chapters are locally operated, volunteer-driven organizations. Although most PAL chapters are sponsored by a law enforcement agency, PAL chapters receive no direct funding from law enforcement agencies and are dependent in large part on support from the private sector, such as individuals, business leaders, corporations, and foundations. PAL chapters have been exceptionally successful in balancing public funds with private sector donations and maximizing community involvement.

(6) Today's youth face far greater risks than did their parents and grandparents. Law enforcement statistics demonstrate that youth between the ages of 12 and 17 are at risk of committing violent acts and being victims of violent acts between the hours of 3 p.m. and 8 p.m.

(7) Greater numbers of students are dropping out of school and failing in school, even though the consequences of academic failure are more dire in 1999 than ever before.

(8) Many distressed areas in the United States are still underserved by PAL chapters.

SEC. 3. PURPOSE.

The purpose of this Act is to provide adequate resources in the form of—

(1) assistance for the 320 established PAL chapters to increase of services to the communities they are serving; and

(2) seed money for the establishment of 250 (50 per year over a 5-year period) additional local PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans, by not later than fiscal year 2006.

SEC. 4. DEFINITIONS.

In this Act:

(1) ASSISTANT ATTORNEY GENERAL.—The term ''Assistant Attorney General'' means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice.

(2) DISTRESSED AREA.—The term ''distressed area'' means an urban, suburban, or rural area with a high percentage of high-risk youth, as defined in section 509A of the Public Health Service Act (42 U.S.C. 290aa–8(f)).

(3) PAL CHAPTER.—The term ''PAL chapter'' means a chapter of a Police or Sheriff's Athletic/Activities League.

(4) POLICE ATHLETIC LEAGUE.—The term ''Police Athletic League'' means the private, nonprofit, national representative organization for 320 Police or Sheriff's Athletic/Activities Leagues throughout the United States (including the Virgin Islands and the Commonwealth of Puerto Rico).

(5) PUBLIC HOUSING; PROJECT.—The terms ''public housing'' and ''project'' have the meanings given those terms in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

SEC. 5. GRANTS AUTHORIZED.

(a) IN GENERAL.—Subject to appropriations, for each of fiscal years 2001 through 2005, the Assistant Attorney General shall award a grant to the Police Athletic League for the purpose of establishing PAL chapters to serve public housing projects and other distressed areas, and expanding existing PAL chapters to serve additional youths.

(b) APPLICATION.—

(1) SUBMISSION.—In order to be eligible to receive a grant under this section, the Police Athletic League shall submit to the Assistant Attorney General an application, which shall include—

(A) a long-term strategy to establish 250 additional PAL chapters and detailed summary of those areas in which new PAL chapters will be established, or in which existing chapters will be expanded to serve additional youths, during the next fiscal year;

(B) a plan to ensure that there are a total of not less than 570 PAL chapters in operation before January 1, 2004;

(C) a certification that there will be appropriate coordination with those communities where new PAL chapters will be located; and

(D) an explanation of the manner in which new PAL chapters will operate without additional, direct Federal financial assistance once assistance under this Act is discontinued.

(2) REVIEW.—The Assistant Attorney General shall review and take action on an application submitted under paragraph (1) not later than 120 days after the date of such submission.

SEC. 6. USE OF FUNDS.

(a) IN GENERAL.—

(1) ASSISTANCE FOR NEW AND EXPANDED CHAPTERS.—Amounts made available under a grant awarded under this Act shall be used by the Police Athletic League to provide funding for the establishment of PAL chapters serving public housing projects and other distressed areas, or the expansion of existing PAL chapters.

(2) PROGRAM REQUIREMENTS.—Each new or expanded PAL chapter assisted under paragraph (1) shall carry out not less than 4 programs during nonschool hours, of which—

(A) not less than 2 programs shall provide—

(i) mentoring assistance;
(ii) academic assistance;
(iii) recreational and athletic activities; or
(iv) technology training; and
(B) any remaining programs shall provide—
(i) drug, alcohol, and gang prevention activities;
(ii) health and nutrition counseling;
(iii) cultural and social programs;
(iv) conflict resolution training, anger management, and peer pressure training;
(v) job skill preparation activities; or
(vi) Youth Police Athletic League Conferences or Youth Forums.

(b) ADDITIONAL REQUIREMENTS.—In carrying out the programs under subsection (a), a PAL chapter shall, to the maximum extent practicable—

(1) use volunteers from businesses, academic communities, social organizations, and law enforcement organizations to serve as mentors or to assist in other ways;

(2) ensure that youth in the local community participate in designing the after-school activities;

(3) develop creative methods of conducting outreach to youth in the community;

(4) request donations of computer equipment and other materials and equipment; and

(5) work with State and local park and recreation agencies so that activities funded with amounts made available under a grant under this Act will not duplicate activities funded from other sources in the community served.

SEC. 7. REPORTS.

(a) REPORT TO ASSISTANT ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this Act, the Police Athletic League shall submit to the Assistant Attorney General a report on the use of amounts made available under the grant.

(b) REPORT TO CONGRESS.—Not later than May 1 of each fiscal year for which amounts are made available to carry out this Act, the Assistant Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report that details the progress made under this Act in establishing and expanding PAL chapters in public housing projects and other distressed areas, and the effectiveness of the PAL programs in reducing drug abuse, school dropouts, and juvenile crime.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $16,000,000 for each of fiscal years 2001 through 2005.

(b) FUNDING FOR PROGRAM ADMINISTRATION.—Of the amount made available to carry out this Act in each fiscal year—

(1) not less than 2 percent shall be used for research and evaluation of the grant program under this Act;

(2) not less than 1 percent shall be used for technical assistance related to the use of amounts made available under grants awarded under this Act; and

(3) not less than 1 percent shall be used for the management and administration of the grant program under this Act, except that the total amount made available under this paragraph for administration of that program shall not exceed 6 percent.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000. The gentleman from Wisconsin (Mr. BARRETT) introduced H.R. 3235 last November and the Committee on the Judiciary reported the bill by voice vote on July 25 of this year.

The bill would direct the Office of Justice Programs of the Department of Justice to award a grant to the Police Athletic League for the purposes of establishing Police Athletic League chapters to serve public housing projects and other distressed areas and expanding existing chapters to serve additional youth. The bill was modeled on legislation enacted in 1997 to increase the number of Boys and Girls Clubs serving low-income areas.

The Police Athletic League was founded by police officers in New York City in 1914; and its goal is to offer an alternative to crime, drugs, and violence for our Nation's most at-risk youth. Since 1914, the Police Athletic League, also known as PAL, has grown into one of the largest youth crime prevention programs in the Nation, with a network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million children. Local chapters are volunteer-driven and receive most of their funding from private sources. In partnership with local law enforcement agencies, PAL chapters help to narrow the gap in trust between children and police, especially in low-income and high-crime neighborhoods. PAL offers after-school athletic, recreational, and educational programs designed to give children an alternative to gangs, drugs, and crime and to reinforce the values of responsibility, hard work, and community. These programs are geared to the after-school hours of 3 o'clock to 8 p.m., the peak hours for juvenile crime and other antisocial behavior.

H.R. 3235 would authorize the appropriation of $16 million a year for 5 years beginning with fiscal year 2001. The money would be used to enhance the services provided by the 320 established PAL chapters and provide seed money for the establishment of 250, 50 per year over a 5-year period, additional PAL chapters in public housing projects and other distressed areas, including distressed areas with a majority population of Native Americans.

In order to be eligible to receive a grant, the bill would require PAL to submit to the Assistant Attorney General an application which includes, one, a long-term strategy to establish 250 additional chapters; two, a plan to ensure that there is a total of not less than 570 chapters in operation before January 1, 2004; three, a certification that there will be appropriate coordination with those communities where new chapters will be located; and, four, an explanation of the manner in which new chapters will operate without additional direct Federal financial assistance once assistance under this act is discontinued.

Mr. Speaker, this is a very worthwhile piece of legislation. I urge all my colleagues to support it.

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

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

I rise in support of H.R. 3235, the National Police Athletic League Youth Enrichment Act of 2000. I am a cosponsor of this bill. Although we have not had hearings on it and I generally do not support consideration of legislation without hearings, I believe that the congressional record in this Congress sufficiently supports the passage of this legislation and to have its passage take place expeditiously.

H.R. 3235 would award grant moneys to the Police Athletic League to assist the establishment of Police Athletic League chapters in high-crime and low-income areas as well as enhance existing services provided by the Police Athletic League. They offer young people opportunities to engage in constructive activities, including recreational programming and activities in creative and performing arts. I am pleased to note that research on these programs shows that communities with this program show a decrease in juvenile crime. In a survey of the California Police Athletic League, for example, preliminary data shows that communities served by the program reported a 34 percent decrease in juvenile arrests, a 58 percent decrease in aggravated assaults committed by juveniles and a 47 percent drop in the number of armed robberies by juveniles.

In short, Mr. Speaker, the record reflects that prevention and early intervention as compared to other approaches to reducing juvenile crime and delinquency are the most effective. In March 1999, for example, the Committee on Education and the Workforce held a hearing on H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act. During that hearing, the Administrator of the Office of Juvenile Justice and Delinquency Prevention identified promoting prevention as the most cost-effective approach to reducing delinquency.

At the same hearing, the Commissioner at the Administration on Children, Youth and Families at Health and Human Services also summarized what should be our priorities and said the following:

The early years are critical. We know that and we must continue to invest in early childhood. But we must also stick with kids as they grow older. Children are like gardens. It is critical that we prepare the soil and plant the seeds. But if that is all we do, we should not be surprised if they do not flourish. We have to pay attention to them

on an ongoing basis. Just as one would fertilize a garden, we must stimulate growth in young people. Just as one would weed a garden, we must root out the negative influences, peer pressure and self-doubt that threaten to stunt the positive development of our children. Especially during preadolescence and adolescence, we must have continued youth development activities to provide something to which the young people can say yes instead of just asking them to say no to risky behaviors.

Mr. Speaker, as a result of hearings such as these, the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce passed in this Congress H.R. 1150, the Juvenile Crime Control and Delinquency Prevention Act of 1999, which highlighted the importance of prevention and early intervention as the means of addressing juvenile crime. That passed out of the Committee on Education and the Workforce subcommittee with support from all of the subcommittee members. Similarly, the Subcommittee on Crime unanimously passed the first version of H.R. 1501, which provided for flexible accountability and early intervention approaches for juveniles before the court system with cosponsorship of the entire subcommittee.

Additionally, many of us had the opportunity to participate in a bipartisan task force to examine youth violence. The task force reviewed the research on the problem of youth violence and heard testimony from witnesses from academia, law enforcement, the judicial system, and advocacy groups.

□ 1615

I quote from the final report:

Overall, the need for prevention and early intervention programs at every step is paramount. Since the most important contributing factor to youth violence is the absence of a nurturing and supportive home environment, we know that youth can be steered away from crime. Building strong relationships between children and their parents and communities are the best way to ensure their health and well-being.

Mr. Speaker, experts who met with the bipartisan task force essentially agreed that early intervention and prevention efforts are essential to reducing youth violence. Furthermore, the task force concluded that such prevention efforts also require coordination and partnership with community organizations.

In sum, the record shows that we know how to reduce juvenile crime and delinquency. We must focus on prevention and early intervention, and we must seek help from community organizations such as police athletic leagues.

Mr. Speaker, H.R. 3235, the National Police Athletic League Youth Enrichment Act of 1999, would foster much-needed community partnerships and help to accomplish our goal of reducing juvenile crime. I therefore support the legislation and urge my colleagues to support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. BARRETT), the chief sponsor of the legislation.

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased to rise today in support of H.R. 3235, a bill I introduced to make the programs of the Police Athletic League available to more kids across the country.

I would like to thank the gentleman from Florida (Chairman MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) of the Subcommittee on Crime for their work in moving this bill through committee and on to the floor before the House adjourns for this year.

I would also like to thank the gentleman from Florida (Mr. CANADY) for his support in helping move this bill. Since this is sort of the waning days of the gentleman's days in Congress, I want to publicly thank him for his service to the people of Florida and his country, and wish him and his young family the best of luck as he returns to life as a normal person.

I also would like to applaud Ron Exley, a board member of the National Police Athletic League, for his tireless efforts in promoting this bill.

Mr. Speaker, since you are going to be going back to Indiana, I want to thank you for the opportunity to serve with you as well. This is sort of a bittersweet time of year for many of us. Both of you have really done a great job for the people you represent.

The Police Athletic League is a network of more than 320 chapters in 42 states serving over 1.5 million kids each year. Individual chapters are volunteer-driven and receive most of their funding from private sources. In partnership with local law enforcement activities, PAL chapters help to narrow the gap in trust that exists between kids and the police, especially in low-income and high-crime neighborhoods.

PAL offers after-school athletic and recreation programs designed to give kids an alternative to gangs, drugs and crime, and to reinforce in them the values of responsibility, hard work and community.

Just last week I was reminded of what PAL means for our kids when I attended the ground breaking for the Milwaukee chapter's new facility. This event was the perfect illustration of what we are trying to accomplish with this legislation. The new facility will be located in a neighborhood plagued by high crime and poverty, bringing these valuable programs and activities to the kids who need them.

The National Police Athletic League Youth Enrichment Act is modeled after legislation enacted in 1997 to increase the number of Boys and Girls Clubs serving low-income areas. Similarly, this bill calls for the establishment of 250 new PAL chapters over 5 years in public housing projects in other distressed areas and would provide additional resources to help existing chapters expand and enhance their services in underserved areas.

In addition to recreational activities, the new PAL chapters would be required to offer mentoring and academic assistance, technology training and drug and alcohol counseling. The bill would also direct the chapters to seek volunteers and donations from the business, academic and law enforcement communities.

Mr. Speaker, one of the strengths of this program is that it allows young kids, who many times encounter police only in stressful situations, to encounter police in a meaningful, friendly situation. I think that is a huge plus for the young kids.

It is also a plus for the police officers, who many times encounter these young kids again in stressful situations, and for the police officers to see these young people in athletic settings and learning how to run computers I think is very important, positive.

I have always said I would much rather have kids shooting basketballs than shooting each other, and I would much rather have them pushing computer keys than pushing drugs, and this bill will go a long way in trying to provide young people with alternatives to crime.

I am a strong believer in giving kids an alternative to the temptations of the street. The Police Athletic League has established an impressive track record of providing such an alternative in America's cities. But there are many kids out there who do not have access to help and deserve our attention. I urge my colleagues to help these kids by supporting this bill.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again want to congratulate the gentleman from Wisconsin (Mr. BARRETT) for his outstanding leadership on this important legislation and to acknowledge the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT) for helping move us to the point where this bill is considered by the House today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 3235, the "National Police Athletic League Youth Enrichment Act of 1999." I commend my colleagues on the Judiciary Committee for reporting the bill by voice vote. As a cosponsor of this legislation, I am delighted that it enjoys bipartisan support. I does so for a good reason.

It helps our children find alternatives to crime through a sensible grant program administered by the Department of Justice. America urgently needs such legislation to allow children, especially at-risk youth, to obtain greater exposure through such legislative solutions. Our children need the right kind of incentives that allow them to learn in a welcoming environment without the threat of violence.

The Police Athletic League (PAL) was founded by police officers in New York city in 1914. Its goal is to offer an alternative to crime, drugs, and violence for at-risk youths. PAL offers after school numerous school athletic, prevention programs in the nation, with a

network of 320 local chapters and 1,700 facilities that serve more than 3,000 communities and 1.5 million children. Local chapters are volunteer driven and receive most of their funding from private sources. That is certainly a record to be proud of.

H.R. 3235 would authorize the appropriation of $16 million a year for 5 years beginning with this fiscal year. The funds would be used to enhance services provided by the present chapters, and provide seed money for the establishment of 250 additional chapters in public housing projects and other distressed areas. This could make an enormous difference to the life of so many children that need a fighting chance.

To be eligible to receive a grant, PAL would have to submit an application to DOJ with a few important requirements. First, a long-term strategy on how and where the 250 new chapters will be established and maintained, along with how the present 320 chapters will be maintained. Second, a certification that there will be coordination with the communities in which the new chapters are established. Third, an explanation of how the new chapters will continue to exist when the full federal funding stops.

Mr. Speaker, I believe these are very reasonable procedures to help find alternative steps to violence. These are reasonable and necessary incentives for communities to come together on behalf of our children.

Children need these after school athletic, recreational, and educational programs to improve their lives. As cosponsor of this important legislation, I urge my colleagues to embrace this measure in the widest bipartisan manner possible.

Mr. HORN. Mr. Speaker, I strongly support H.R. 3235. In California, the PAL programs play an integral role in our communities. PAL programs provide positive activities for youth to participate in as an alternative to gangs and violence. They instill family values, teach teamwork, honesty, and personal accountability. PAL programs keep our communities safe and our youth out of danger.

In Long Beach, California, a city I proudly represent, PAL programs have served thousands of youth in the area throughout the past ten years. Not only are young people enjoying recreational activities, they are receiving help with homework, learning to use computers, and positively influencing their peers to participate. This invaluable program has helped so many youngsters that would have otherwise been at risk of getting involved in criminal activity, gang violence or drug abuse.

Every community should be as fortunate to have a preventive program like the PAL program to help reduce juvenile crime. I commend the Long Beach chapter for their excellent work on behalf of our community and the lives of every youth that PAL has touched. I also look forward to hearing about more success stories from PAL programs across the country.

As a cosponsor and strong supporter of H.R. 3235, I encourage all of my colleagues to support and pass this bill. Our nation's youth deserves this commitment of resources.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3235, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

VICTIMS OF RAPE HEALTH PROTECTION ACT

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3088) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape.

The Clerk read as follows:

H.R. 3088

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 ''Victims of Rape Health Protection Act''.

SEC. 2. BYRNE GRANT REDUCTION FOR NONCOMPLIANCE.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756) is amended by adding at the end the following:

''(g) LAWS OF REGULATIONS.—

''(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 10 percent and redistributed under paragraph (2) unless the State demonstrates to the satisfaction of the Director that the law or regulations of the State with respect to a defendant against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, the State requires as follows:

''(A) That the defendant be tested for HIV disease if—

''(i) the nature of the alleged crime is such that the sexual activity would have placed the victim at risk of becoming infected with HIV; or

''(ii) the victim requests that the defendant be so tested.

''(B) That if the conditions specified in subparagraph (A) are met, the defendant undergo the test not later than 48 hours after the date on which the information or indictment is presented, and that as soon thereafter as is practicable the results of the test be made available to the victim; the defendant (or if the defendant is a minor, to the legal guardian of the defendant); the attorneys of the victim; the attorneys of the defendant; the prosecuting attorneys; and the judge presiding at the trial, if any.

''(C) That if the defendant has been tested pursuant to subparagraph (B), the defendant, upon request of the victim, undergo such follow-up tests for HIV as may be medically appropriate, and that as soon as is practicable after each such test the results of the test be made available in accordance with subparagraph (B) (except that this subparagraph applies only to the extent that the individual involved continues to be a defendant in the judicial proceedings involved, or is convicted in the proceedings).

''(D) That, if the results of a test conducted pursuant to subparagraph (B) or (C) indicate that the defendant has HIV disease, such fact may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime.

''(2) REDISTRIBUTION.—Any funds available for redistribution shall be redistributed to participating States that comply with the requirements of paragraph (1).

''(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).''.

(b) CONFORMING AMENDMENT.—Section 506(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking ''subsection (f),'' and inserting ''subsections (f) and (g),''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of each fiscal year succeeding the first fiscal year beginning 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3088.

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

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON), the sponsor of this legislation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in the summer of 1996, a 7-year-old girl was brutally raped by a 57-year-old deranged man. The little girl and her 5-year-old brother had been lured to a secluded abandoned building. The man raped and sodomized this little girl. After the man's arrest, the accused refused to be tested for HIV. His refusal to take the test was permitted and protected under the State law. The man later admitted to police that he was infected with HIV.

The bill before us would ensure that families like this one, and numerous others, are not forced to endure torture beyond the assault that has already been inflicted upon their child.

I urge my colleagues to vote for passage of H.R. 3088, the Victims of Rape Health Protection Act. This bill will save the lives of victims of sexual assault. This bill ensures that the victims of sexual assault or their parents know as quickly as possible the HIV status of the perpetrator of the crime.

Sexual assault, sadly, occurs too often in our society. These victims suffer unimaginable cruelties and physical and emotional scars that usually last a lifetime. Furthermore, with the increased incidence of HIV infection in the population, these victims are often forced to wait months or years to know whether or not they were exposed to the HIV virus.

This bill puts an end to further torture of the victims and their families. This bill ensures that the victims of

sexual assault can require that the accused be tested as soon as an indictment or an information is filed against the person. No longer will a victim have to wait months or years for such a test of the accused. No longer will the perpetrators of these crimes be allowed to bargain for lighter sentences in exchange for undergoing HIV testing. This bill puts the rights of victims ahead of that of the sexual predators.

Why is it critical that the victim know as soon as possible if they were exposed? The new England Journal of Medicine published a study in April of 1997 finding that treatment with HIV drugs can prevent HIV infection, provided that the treatment is started within hours. The study reviews the treatment of health care workers with occupational exposure. That study found a 79 percent drop, almost 80 percent, drop in HIV infection with those individuals who are exposed to HIV and were started on treatment within hours of the initial exposure.

Furthermore, the study goes on to report the rate of transmission from needlestick injuries is similar to that of sexual exposure. Clearly, getting information to the victims of sexual assault as quickly as possible is critical in saving the lives of those if they have been exposed.

Some might suggest that all victims of sexual assault be given anti-HIV drugs as a precautionary measure. As a medical doctor myself who has administered these drugs many times in the past, I know firsthand that there can be serious side effects. Additionally, I will point out that a 4-week cost of these drugs can run anywhere from $500 to $800, an exposure that no person would want to needlessly be exposed to.

As a physician, I am particularly interested in seeing that we take steps that can ensure that the victims of sexual assault are given every available opportunity to protect themselves against HIV, a sentence of death, that could and has resulted from sexual assaults.

Many States already have this provision in law. H.R. 3088 builds on that. Let us approve this bill and place the rights of victims of crimes above those of the perpetrators of crime. Let us ensure the greatest protection possible for the victims of sexual assault.

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

Mr. Speaker, this bill has not gone through committee. The issue being addressed is being addressed in the Violence Against Women Act, where we can have committee hearings and actually come up with a decent bill. There are several States that have already addressed this issue in different ways. But the way it has come to us today, it has not gone through the Committee on the Judiciary. It sounds like it does a good job, but there are a number of problems with the legislation. Frankly, there has been no attempt to fashion the bill to accomplish its worthy alleged goal by any constructive manner.

For example, there has been no opportunity for anybody to review the bill, there is no opportunity for amendments and there is no opportunity for any interested parties to comment. It was just sprung on us Friday afternoon, and here it is. Six weeks before an election, I guess it is important to pass the bill without any hearings and without the opportunity to be heard, so I guess this is the way we are going to have to legislate the last few weeks.

First of all, there are a number of problems with the bill. It requires a person to be subjected to an AIDS test, even if they are innocent, even if they can prove their innocence beyond a reasonable doubt.

Now, some people that may actually have AIDS, may actually be innocent, and maybe they want to keep that fact a secret, and here you are, notwithstanding the fact that they can show by clear and convincing evidence that they were hundreds of miles away at the time of the alleged offense, that it was not them. They do not have an opportunity to be heard. They get tested, and there is nothing in the bill for confidentiality. This information just goes all over the place.

It requires that the test be given, even though in some circumstances there is zero risk of transmission. It says a person, if requested by the victim, even though there is no chance of transmission, the tests can be given.

There is no protocol, as I indicated, about confidentiality. You may have a situation where the victim actually has AIDS and wants to keep it a secret, and, all of a sudden, whether or not the perpetrator had AIDS or not, you have her subjected to the possibility of this information getting out.

It is a shocking process that we are here on; no opportunity to comment, no opportunity to require any due process, no opportunity to conform this to what many of the other States have done. Six weeks before an election, here we are with legislation with a good title, and no opportunity to constructively deal with it.

We asked the patron for 24 hours so we could consider some of these issues, and, no, here it is on suspension; no opportunity to review, no opportunity to amend, no opportunity for interested groups to comment. Here we are, vote it up or down.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for again yielding me time.

Mr. Speaker, I would like to respond to some of the concerns raised by my good friend, the gentleman from Virginia. First of all, regarding the issue of a probable cause hearing that the gentleman brought up, I believe that the language in my bill sufficiently addresses that issue, in that a charge has to be made, an information or an indictment.

□ 1630

That typically involves going before a grand jury, a jury of your peers, and those processes do not bring, in most instances, trivial incidents of somebody who was hundreds of miles away at the time of the alleged crime. Typically, there has been an arrest, for example, followed by an arraignment.

The reason this is so imperative, a lot of these crimes happen on Friday night, and if we have to insert in the process a probable cause hearing, we are going to get beyond a 72-hour window. And if we really look at the pathophysiology of how this virus is transmitted, the current recommendations are that if we cannot go on antiretroviral within 72 hours, then we might as well not even do it.

Mr. Speaker, while certainly respecting rights is something that I am very concerned about, we are talking about life and death here, a potential death sentence to somebody who has contracted AIDS. Yes, there are case reports in the medical literature of people contracting AIDS through rape; so we know that it happens. We know that the transmission rate is very, very similar to the rate on needlestick injuries.

We know if we institute antiretroviral therapy within 72 hours of a needlestick injury, we can lower the transmission rate of AIDS by almost 80 percent. It is for that reason that I feel that a probable cause hearing would lead to unnecessary and inappropriate delay.

We are balancing the life of the other person against the rights of the perpetrators of these crimes.

Mr. Speaker, I would like to additionally point out that several of the other bills that we have taken up today did not go before the committee. The committee frequently waives jurisdiction in a case where they feel that a piece of legislation is so inherently appropriate that it needs to move forward, and I think that is the case, the committee's acknowledgment in this particular piece of legislation.

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

Mr. WELDON of Florida. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I would ask the gentleman from Florida, in an indictment, does a defendant have any opportunity to be heard?

Mr. WELDON of Florida. Reclaiming my time, Mr. Speaker, certainly I am well aware of the fact that the gentleman from Virginia points out something that is correct, the defendant does not have any right to be heard; but the defendant has a period before a jury of his peers, a grand jury; and I believe that in that situation, a probable cause hearing would make unnecessary delay.

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

Mr. Speaker, I would just point out, as the gentleman commented, that in an indictment a person has no opportunity to be heard. If we can prove that

it is a case of false identification, we never have an opportunity to bring compelling proof beyond a reasonable doubt that it could not have possibly been you; and, yet, you are subjected to the AIDS test.

The legislation before us also includes a provision that a person must be subjected to the AIDS test, even though there is no likelihood at all of a transmission taking place. The legislation talks about not rape, but sexual activity. That could be fondling. If requested by the defendant, the person could be subjected to an AIDS test.

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, as the gentleman knows, being very familiar with the law, and, of course, I bring to this debate my experience as a physician having taken care of a lot of AIDS patients, most reputable prosecutors will look at exonerating information before they would bring an indictment before a grand jury; and those pieces of information are not totally excluded.

My concern with the gentleman's issue, the probable cause issue is that it would lead to sufficient level of delay that people would not be treated within the 72-hour window; and then, therefore, people would unnecessarily contract AIDS, and that the better good is to allow this provision to go forward; and that the rights of the accused would be sufficiently protected through the indictment process.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, I would ask the gentleman to advise us as to how much time after an offense an indictment is normally obtained.

Mr. WELDON of Florida. If the gentleman would continue to yield, it is my understanding that frequently in cases where the information is compelling, that it can be brought within 72 hours.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, an indictment 72 hours after the offense, including the investigation and the arrest and the convening of a grand jury is frequently done within 72 hours. Is that the information that we are going to base our consideration of this bill on?

I know the gentleman is a physician and not a lawyer, and perhaps if it had gone through the Committee on the Judiciary, we would find that a lot of these cases the indictment comes months after the offense.

Mr. WELDON of Florida. If the gentleman would continue to yield, I realize that all those things occurring within 72 hours can occur, but it is unusual, and that very often it takes longer. But I am also aware that we can place a patient on antiretroviral therapy while that process is working through, and that if we do run into problems with side effects from the drugs or if there are some serious concerns regarding the costs of the drugs, that, if at a later time, we are able to get an HIV test that comes back negative, we can discontinue the drugs. Whereas under current State law in some States, we wait months or years sometimes before you learn the HIV status.

Mr. Speaker, what I find even more egregious is some of these perpetrators engage in plea bargaining, trying to reduce a rape charge to an assault charge in exchange for an HIV test, which I think is reprehensible and should not be permissible by any State law, and that is why I decided to move forward with this legislation.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, can the gentleman advise why it is necessary or what compelling reason there is if the activity would place the victim at no risk of becoming infected with AIDS, why the AIDS test ought to be required?

Mr. WELDON of Florida. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I am confused by the gentleman's question.

Mr. SCOTT. Mr. Speaker, reclaiming my time, on page 2, lines 12 through 19, it says that the State shall require the following: an AIDS test if the nature of the activity would have placed the victim at risk of becoming infected or the victim requested the defendants to be so tested.

So if the victim requested the defendant to be so tested, even though there is no chance of a transmission, then the test goes forward anyway.

My question is, why do we have the provision that the defendant be tested even though there is no chance of them being infected?

Mr. WELDON of Florida. Will the gentleman continue to yield?

Mr. SCOTT. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I believe that there is a component of this that is necessary to put people's minds at ease in these cases. While it may be a scientific fact that HIV transmission is unlikely to occur from certain other types of exchange of bodily fluids and that the risk is quite low, the victims of these crimes have zero tolerance for risk.

And while it may be easy for the gentleman as a lawyer or for me as a doctor to say, oh, do not worry, what that perpetrator did to you puts you at virtually no risk, that is not acceptable to them; they want to know. They want zero risk, and that is why I put that provision in the bill.

Certainly, as this piece of legislation moves forward through the Senate and goes to a conference, there may be some opportunity to adjust this language to put some further provisions in there that may make the gentleman more comfortable with the legislation, but that is why I included that language in there.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, that is why we asked for 24 hours so that we could work out some of these provisions including, perhaps, some kind of confidentiality, because the results of the AIDS test are being made available to at least six, and possibly unlimited numbers of, people.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from Oklahoma (Mr. COBURN).

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

Mr. Speaker, I say to my associate, the gentleman from Virginia (Mr. SCOTT), that I would like to address three or four questions. Number one is, one of the bases of his arguments is that there is no integrity in the testing system in terms of confidentiality; that has been proven totally false, the basis of that claim.

We as a medical community, as a public health community have not allowed leaks; that is exactly the same argument that was stated when children are born to mothers with HIV that they would not come in and get tested because somebody would find out.

In fact, what has happened is we have even more women coming in and getting tested because all women are interested in their children.

Mr. Speaker, the assumption that there is not integrity in the testing process and somebody outside who absolutely needs to know will violate that person's right is an erroneous assumption, and it is one that is continually used in the HIV epidemic.

The other point that I would make, so that the gentleman would surely know this, is that out of the 1.2 million people who have been infected with HIV thus far in our country, 600,000 of them still do not know they have HIV; they still do not know if they have HIV.

So whether or not an HIV test is appropriate or a non-HIV test is appropriate, there is enough behavior in our country that is not malicious that is associated with HIV infection that nobody knows who is HIV infected and who is not, because they all look the same. HIV is not a regarder of persons of color or sex or life-style. It does not care. It does infect.

The other question that I would ask from the gentleman is, this is really a question of squaring off of rights. The gentleman from Virginia (Mr. SCOTT) has a great record of protecting individual's rights, and I think that is very important, that we could not ignore it.

I want to read through a few sets of stories and tell me whether or not we ought to be protecting the rights of the rapist or the accused rapist or the accused molester or those that were, in fact, victims of it. 41-year-old Alabama man raped a 4-year-old girl, infecting her with HIV which later claimed her life, 1996.

Had we known at the time his HIV status, the little girl would be alive. As a matter of fact, what we know now is

if, in fact, we treat early, multiple times, we eliminate the infection, even if there was positive HIV there.

That knowledge within a 72-hour frame will give us an opportunity to have at least one aspect of an assault reversed.

A 35-year-old man in Iowa raped a 15-year-old girl and her 69-year-old grandmother. He was infected with HIV. No access to know. They did not know it until after the fact, until somebody became positive.

In New Jersey, 3 boys gang raped a 10-year-old mentally retarded girl. The girl's family demanded that the boys be HIV tested. Three years after the girl was raped and the boys were convicted, the family was still fighting to learn the HIV status of the attackers.

I believe that our law is based on balance, balance of both sets of rights and the claim that we cannot know. As a matter of fact, let me just change direction. We would not even be having this discussion today if we handled HIV like the infectious disease that it should be. That fact, if we had proper partner notification, proper follow-up, proper exposure follow-up, this would not even be a question on the House floor, but because we did the politically correct thing at the wrong time and did not treat it like the disease it is, we now have 600,000 Americans that have died from it.

I think the question is, are we for the rapists or are we for the molesters? Are we for those people who take advantage of others in terms of life beyond the attempt to harm someone, or are we for the victims?

□ 1645

So the real test of this vote this evening in the Chamber is people are going to line up. They are either going to be for rapists and molesters, or they are going to be for the victims. That is certainly somewhat of an oversimplification, but we would not be here if we did not have the same rationalization that the gentleman put forward before, that we cannot test people and hold that confidential.

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

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

Mr. SCOTT. Mr. Speaker, I appreciate the gentleman yielding.

Frankly, we would not be having the discussion if we had 24 hours notice in which to discuss the bill. I think it could have been worked out.

Mr. COBURN. Reclaiming my time, Mr. Speaker, the gentleman knows that I have nothing to do with that. That is not changing the fact that we are here to discuss the facts of this bill.

Mr. SCOTT. When I was in the State Senate of Virginia, we dealt with the issue and gave the defendant an opportunity to be heard so that we are not imposing this test on innocent individuals.

The gentleman mentioned that there is confidentiality within the medical situation of the results of the test. The fact of the matter is that in the bill, the information is divulged not just to medical personnel but to the victim, the defendant, the attorneys for the victim, the atorneys for the defendant, the prosecuting attorneys, and the judge presiding at the trial.

The SPEAKER pro tempore (Mr. PEASE). The time of the gentleman from Oklahoma (Mr. COBURN) has expired.

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

Mr. Speaker, the information is also given to the judge presiding at the trial, and it provides that if the results are positive, such facts may, as relevant, be considered in the judicial proceedings conducted with respect to the alleged crime, by means that it virtually has to become public information in the public trial.

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

Mr. SCOTT. I yield to the gentleman from Oklahoma.

Mr. COBURN. Right. And today we do the exact same thing on syphilis.

Let me put forward to the gentleman that, number one, do we serve society's greater good if in fact we limit the spread of the disease; number two, do we serve the victim's greater good; and, number three, if in fact all those individuals that the gentleman mentioned are professional, they can be held in conduct claims against their own professionalism if in fact they divulge it.

The final point I would make in terms of the gentleman's argument is that it should be exposed. If somebody, in law, has violated somebody else and has given them a disease, one of the things we do when one is convicted of a felony is they lose certain rights.

Mr. SCOTT. Reclaiming my time, Mr. Speaker, there has been no opportunity for the defendant to express himself or show conclusive evidence he is innocent of the underlying charge. The fact that they may have AIDS becomes public during the trial, before they have had an opportunity to be heard.

The reason we are discussing this is the fact that before this information is spread all over the world, before they can say, ''It was not me, I was 100 miles away, and can prove it,'' it is all over the world. We would not be having this discussion if we could work this out so we could have meaningful confidentiality, some meaningful opportunity to be heard. There would not have been this discussion. It was less than one business day, no opportunity to be heard, no opportunity to comment.

I will continue to read.

Mr. COBURN. Mr. Speaker, I would just ask the gentleman to think, if one of his family members——

Mr. SCOTT. Reclaiming my time, when I was a member of the State Senate, I worked on legislation just like this to give the victim the ability as soon as practicable to get the information. This does not have that.

The gentleman is talking about an innocent person who is having their private affairs exposed to the world. What good does that do?

Mr. COBURN. If the gentleman will yield, they are not exposed to the world, they are only exposed to the world if in fact it comes to trial. What is exposed today is those people who are plea bargaining to get out of the rape charge by granting testing for HIV.

Mr. SCOTT. Does the gentleman acknowledge that somebody could be factually innocent and could prove it by conclusive evidence, but does the gentleman disagree or will he acknowledge that that would become public?

Mr. COBURN. No, I will not acknowledge.

Mr. SCOTT. I ask the gentleman, how do they keep it private if the victim gets information, the defendant gets information, the attorneys for the victim, the attorneys for the defendant, the prosecuting attorneys, the judge, and the information can get used in a public trial? Then how does the gentleman keep that information private until the person can say, ''I was 100 miles away from the alleged incident, it was not me, and I can prove it?''

Mr. COBURN. If the gentleman will continue to yield, is the gentleman saying that people are not held accountable for confidentiality otherwise?

Mr. SCOTT. If the gentleman reads the bill, it requires the information to become public.

Mr. COBURN. I do not know Virginia, but other States, if you have the information of public health knowledge that is considered confidential, then there is no right to distribute that information.

Mr. SCOTT. If the gentleman would read the bill, it is not in there.

Mr. COBURN. I have read the bill.

Mr. SCOTT. This is the bill. The bill requires the disclosure of information.

Mr. COBURN. At what time?

Mr. SCOTT. During the trial, before the defendant ever has an opportunity to respond.

Mr. COBURN. Right.

Mr. SCOTT. To show that he was not there, he was not within 100 miles, and the fact that he has AIDS becomes a matter of public information.

Mr. COBURN. If the gentleman will continue to yield, the gentleman's contention is that for those people today presently infected by HIV, it is more important to maintain their confidentiality than to treat and keep somebody else from getting HIV? That is what the gentleman just said. That is exactly how we have handled this epidemic. That is what is wrong with it.

Mr. SCOTT. If the gentleman would think back to what I had said, if the person is innocent of the charge and can prove it, then I see no compelling interest to expose the fact that they have AIDS. If they are in fact guilty, then the fact that they might have an opportunity to be heard would not slow things down one iota.

Mr. Speaker, basically if the other side had offered us 24 hours, even, to discuss the bill, I think it could have been done in the same form that Virginia did it, that gives an expedited opportunity to be heard and a right to be tested so everyone's rights are protected.

This provides no such rights. If someone has AIDS and wants to keep that information private, they have essentially, under this bill, no opportunity to do it because that information would be part of a public trial. Then, after the fact that they have AIDS has been made public, then they get to present their evidence showing that they were 300 miles away and could not have possibly been the one who is accused of the crime.

Mr. Speaker, this requires testing even though there is no risk of becoming infected. There is no confidentiality of the information. It is spread to a minimum of six, possibly dozens of others, even possibly more. It says attorneys for the victim, attorneys for the defendant, and that could be an entire law firm. There is no telling how many people would get the information. None of them are physicians.

This bill should have gone through committee. I am sure we could have worked out legislation, just like we did in Virginia when I was in the State Senate, we worked out legislation like this. We could have done it with the Violence Against Women Act, where the law presently deals with this issue.

But no, 6 weeks before the election here we come, vote it up or down. We do not have to consider any of this, we do not have to be able to review it, we do not have to be able to amend it or give people the opportunity to be heard, we just have to be able to vote it up or down.

That is not the way we ought to be legislating. This bill is unfair and unreasonable. It could have been fixed with some minor amendments, but we do not have the opportunity because it is right before an election and we have to take it up or down, take it or leave it.

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

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of the time to the gentleman from Florida (Mr. WELDON), the sponsor of the legislation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Of course, I have the utmost respect for my colleague, the gentleman from Virginia, and his experience on this issue in the Virginia legislature. I will point out that it did occur prior to the development of a stronger body of knowledge on how to prevent HIV infection.

The article that I cited that this legislation is based on was published in 1997 prior to the Virginia statute being implemented, and the authors of this article appropriately point out that for HIV prophylaxis to occur, it needs to be initiated within 72 hours.

I also would point out that many States currently already comply with the provisions in this law, including my home State of Florida, and there have not been problems with release of information to the public.

I would also like to point out that any inappropriate distribution of information on HIV testing that was to be given by any legal professionals, then those people would be subject to the standard disciplinary actions that currently are in place.

Therefore, I feel that this is clearly a case of balancing the greater good. I believe the greater good is to protect the right of victims in this case because of the potential to save life. I urge all my colleagues on both sides of the aisle to support this legislation.

Mr. WAXMAN. Mr. Speaker, I rise to express my concerns over H.R. 3088, the Victims of Rape Health Protection Act of 2000. While I fully sympathize with the intent of this legislation, I am afraid that it lacks important safeguards with would allow for the full protection of victims' rights. I have no doubt that the absence of these crucial details can be attributed to the bill's hasty discharge from the committee of jurisdiction, and the complete absence of any deliberation by the Committee on Judiciary.

It is important that we understand current law as it applies to the rights of victims of sexual assault. According to the National Victim Center, 44 states have laws for the mandatory testing of sexual offenders. Of these states, 16 require mandatory testing before conviction, 33 require testing after conviction, and six require testing both before and after testing.

Under Federal law, HIV testing of convicted sexual offenders is a mandatory condition of States' receipt of certain prison grants. Under the Crime Control Act of 1994, Congress allowed victims of sexual assault to obtain a court order requiring the defendant to submit to testing.

Under current law, such an order may be obtained provided that probable cause has been determined, the victim seeks testing of the defendant after appropriate counseling, and the court determines both that test would provide information necessary to the victim's health and that the defendant's alleged conduct created a risk of transmission.

In contrast, this bill requires that States enact mandatory HIV testing laws where the alleged crime "placed the victim at risk of becoming infected with HIV" or if "the victim requests that the defendant be so tested."

For a bill that purports to protect the rights of victims of sexual offenses, I am troubled by its lack of important and fundamental considerations.

First, under this bill, it is possible that testing of the defendant would occur and the results of that testing be widely distributed—despite the express wishes of the victim. In other words, in cases of sexual assault with a resulting risk of HIV infection, this bill seeks to have States enact laws to compel testing—even if the victim did not request such testing.

This is not just a theoretical possibility. Victims may justly be concerned about the disclosure of test results. Despite our best efforts, there remains a stigma associated with HIV/AIDS. According to a recent Department of Justice report, New Directions from the Field: Victims' Rights and Services for the 21st Century, "Advocates still report problems with insurance companies that, upon learning of the victim's HIV test or results, raise health insurance premiums or cancel the victim's policy altogether." This is clearly unconscionable, yet could easily result from this bill.

Second, we should be concerned with the converse situation, where only the victim's request will trigger testing of the defendant. Under this bill, testing must occur if a victim desires it, even in situations where one cannot reasonably believe the test is needed. I strongly support retaining the standard under current Federal law of having the court determine whether the test provides information necessary to the victim's health and whether the defendant's conduct may have created a risk of transmission.

Third, this bill fails to truly account for the interests of the victim. There is no provision of counseling, referrals or services for the victim. If we are going to expend scarce resources on timely testing of the defendant, we must ensure that their victims have complete access to counseling, testing and to health services—services which should include immediate, aggressive treatment. Nor is there any question that victims of sexual offenses should be entitled to testing for other very serious sexually—transmitted diseases, not just HIV/AIDS.

As the Department of Justice's report states, "Although testing the offender may be important to the victim, it should be emphasized that testing the offender does not replace focusing on the victim's medical and emotional needs." Indeed, many states require counseling for victims prior or in conjunction with the mandatory testing, as does current Federal law. But that would not be the case under this bill.

Finally, in another counterproductive departure from current law, the bill needlessly requires distribution of HIV test results—which are highly sensitive health information—to a large number of parties, some of whom in some situations may not require or even desire the information. Again, in contrast, states like Wisconsin have been sensitive to these legitimate victim's concerns, specifying that test results shall not become part of a person's permanent medical records.

I am troubled by these obvious deficiencies of H.R. 3088, and regret that neither the Committee on Judiciary nor the Members of this House were afforded an opportunity to correct them.

Mr. STARK. Mr. Speaker, I rise today to oppose H.R. 3088, the Victims of Rape Health Protection Act.

This bill places the wrong emphasis in dealing with the very important crime of rape by violating law-biding citizen's constitutional privacy rights and due process rights.

This bill inappropriately focuses on the defendant rather than helping the victim of rape. If the Congress really wants to aid the health of a rape victim, then this bill should include referrals or direct assistance for health services to rape victims. These health services should include making available the rapid testing for HIV and other sexually-transmitted diseases in order to allow the rape victim to take advantage of an aggressive treatment regimen that needs to begin within 48–72 hours after infection.

This legislation illegally encourages the violation of the due process rights of people who

may well be innocent law-biding citizens. The bill threatens states with the partial loss of their drug control grants if they do not test individuals accused of rape for HIV. These individuals have not been convicted of a crime therefore it is not right to subject them to a mandatory health test. This action is a violation of these individuals' due process rights that are afforded to them during a search and seizure.

This bill violates the privacy of United States citizens. The law requires states to provide health information of individuals' accused—not convicted—of rape to court officials and to the prosecutor. This information is private medical documentation that this law encourages States to make public. The release of this information to the public could adversely affect innocent law biding individuals who are found not guilty. With the public misconceptions and lack of understanding surrounding the HIV virus, these individuals could experience job discrimination and social exclusion if these records become public.

Moreover, this legislation unfairly targets individuals with HIV and gives the implication that having HIV as being a crime rather than a medical condition. It is time that this Congress began treating diseases such as HIV as a medical condition and not a crime.

It is disgraceful that the majority has decided to put such a controversial bill on the suspension calendar. This bill has not had a hearing or a mark-up in committee and it only has eleven Republican cosponsors. This is another example of the Majority trying to score election year points rather than passing thoughtful legislation that improves the health and respects the rights of all United States citizens.

Mrs. FOWLER. Mr. Speaker, today I rise in support of H.R. 3088. I believe that we in Congress must do everything possible to insure the emotional, mental and physical health of the victims of violent crime.

In recent years Congress has worked very hard to elevate the status of the victim in the criminal court process—by recognizing the need for victims' rights and writing those rights into law.

Now we have the opportunity to expand upon doing the right thing for the victims of violent crime. HIV testing of those charged with violent crimes is a step in the right direction. The second step—making it legal to tell the victims the medical test results—is essential for their emotional, mental and physical health. And, of course, timeliness of testing and notification of the victim is of the essence.

We will never be able to undo the harm that has been done to the victim, but we can take steps to control its long-term effects. I urge my colleagues on both sides of the aisle to take a stand on victims' rights. Vote yes on H.R. 3088.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3088.

The question was taken.

Mr. WELDON of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 4 o'clock and 56 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4049, by the yeas and nays;

H.R. 4147, by the yeas and nays; and

H.R. 3088, by the yeas and nays.

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

PRIVACY COMMISSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4049, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4049, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 146, not voting 37, as follows:

[Roll No. 503]

YEAS—250

Aderholt
Allen
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Collins
Combest
Cooksey
Costello
Cramer
Crane
Crowley
Cunningham
Davis (FL)
Davis (VA)
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Ewing
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilman
Gonzalez
Goode
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Ose
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pitts
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—146

Abercrombie
Ackerman
Baca
Baldwin
Barr
Barton
Becerra
Berman
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Bryant
Burr
Capuano
Cardin
Clayton
Clyburn
Coburn
Condit
Conyers
Cox
Coyne
Cubin
Cummings
Danner
Davis (IL)
Deal
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Doyle
Ehrlich
Engel
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Gillmor
Goodlatte
Green (TX)
Gutierrez
Hall (OH)
Hefley
Hilliard
Hinchey
Hinojosa
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Murtha
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Payne
Pelosi

Pickering
Pickett
Pombo
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Scott
Sherman
Shows
Skelton
Slaughter
Snyder
Stark
Stenholm
Strickland
Stupak
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wynn

NOT VOTING—37

Andrews
Baldacci
Blagojevich
Brown (FL)
Campbell
Carson
Clay
Cook
Eshoo
Everett
Fletcher
Franks (NJ)
Gilchrest
Goodling
Hastings (FL)
Hilleary
Hoeffel
Houghton
Jefferson
King (NY)
Klink
Lazio
Martinez
McCollum
McIntosh
Neal
Owens
Paul
Portman
Riley
Serrano
Spence
Taylor (MS)
Towns
Vento
Wise
Woolsey

□ 1826

Messrs. JACKSON of Illinois, VISCLOSKY, BRYANT, PICKERING, POMBO, NORWOOD, BURR of North Carolina, GOODLATTE, EHRLICH, ROHRABACHER, BERMAN, BECERRA, and Ms. SANCHEZ and Ms. DANNER changed their vote from ''yea'' to ''nay.''

Mr. KLECZKA and Mrs. CAPPS changed their vote from ''nay'' to ''yea.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

STOP MATERIAL UNSUITABLE FOR TEENS ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4147.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4147, on which the yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 2, not voting 34, as follows:

[Roll No. 504]

YEAS—397

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
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
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
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
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
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
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Scott
Watt (NC)

NOT VOTING—34

Blagojevich
Brown (FL)
Campbell
Carson
Clay
Cook
Eshoo
Everett
Fletcher
Frank (MA)
Franks (NJ)
Gilchrest
Goodling
Hastings (FL)
Hilleary
Houghton
Hutchinson
Jefferson
King (NY)
Klink
Lazio
Martinez
McCollum
McIntosh
Neal
Owens
Paul
Portman
Riley
Spence
Towns
Vento
Wise
Woolsey

□ 1836

Mrs. JONES of Ohio and Mr. JACKSON of Illinois changed their vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VICTIMS OF RAPE HEALTH PROTECTION ACT

The SPEAKER pro tempore (Mr. LATOURETTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3088.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 3088, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 19, not voting 34, as follows:

[Roll No. 505]

YEAS—380

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass

Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
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
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
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
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
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
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Capuano
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Lee
Lewis (GA)
McDermott
Miller, George
Nadler
Payne
Pelosi
Roybal-Allard
Sanders
Sanford
Scott
Stark
Waters
Watt (NC)
Waxman

NOT VOTING—34

Blagojevich
Bliley
Brown (FL)
Campbell
Carson
Clay
Conyers
Cook
Eshoo
Everett
Fletcher
Franks (NJ)
Gilchrest
Goodling
Hastings (FL)
Hilleary
Houghton
King (NY)
Klink
Lazio
Martinez
McCollum
McIntosh
Neal
Owens
Paul
Portman
Riley
Spence
Towns
Vento
Wexler
Wise
Woolsey

□ 1845

Ms. PELOSI changed her vote from ''yea'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, due to my wife's illness and emergency surgery, I was not present for rollcoll votes No. 504, and No. 505. Had I been present, I would have voted as follows: H.R. 4049—Privacy Commission Act—''yea''; H.R. 4147—Stop Material Unsuitable for Teens Act—''yea''; and H.R. 3088—Victims of Rape Health Protection Act—''yea''.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4578, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–924) on the resolution (H. Res. 603) waiving points of order against the conference report to accompany the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 110, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–925) on the resolution (H. Res. 604) providing for consideration of the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRATULATING THE REPUBLIC OF HUNGARY ON THE MILLENNIUM OF ITS FOUNDATION AS A STATE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the concurrent resolution (H. Con. Res. 400) congratulating the Republic of Hungary on the millennium of its foundation as a state, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. LANTOS. Mr. Speaker, reserving the right to object, and I will not object, I would like to commend the authors of this resolution as well as all of my colleagues who, along with me, are cosponsors of this legislation. I think it is appropriate to pay tribute to a country 1,000 years old which at long last has decided to join the community of democratic and freedom loving nations.

It was my great pleasure to accompany our Secretary of State and the foreign ministers of Hungary, the Czech Republic and Poland to Independence, Missouri for the signing of the document that has made Hungary a part of NATO. I earnestly hope that Hungary, before long, will be able to join the European Union.

As we celebrate this momentous occasion, it is important, however, to hoist a flag of caution. Democracy in Hungary is functioning, but certainly not without its imperfections. There are still periodic outbursts of ethnic and racial harassment which the government needs to do more to put an end to. There are periodic attempts to destroy and desecrate Jewish cemeteries.

At soccer games, hooligans of the far right are engaging in racial and religious intimidation. There are indications that the television medium is not as objective and open as it needs to be in a free and democratic society.

So while I join my fellow sponsors of this legislation and congratulate Hungary for having put an end to its fascist and communist past and having

joined the family of democratic and freedom loving nations, I call on all Hungarians to meticulously observe the rules of political democracy and pluralism without which a promising future certainly will not be there for the 10 million people who deserve a good future. I want to congratulate my colleagues.

Mr. GILMAN. Mr. Speaker, will the gentleman yield.

Mr. LANTOS. I am happy to yield to the distinguished gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I support the adoption of House Concurrent Resolution 400. It is interesting to note, as this resolution does, that this year marks not just the 1,000th anniversary of the crowning of Hungarian King Stephen, Saint Stephen, by Pope Sylvester II, but also the tenth anniversary of Hungary's first postcommunist, free and democratic elections.

Just as King Stephen anchored Hungary in Europe and the Western civilization, the leadership of postcommunist Hungary has begun to anchor Hungary in Pan-European and trans-Atlantic institutions once again through that country's admission into the NATO alliance and its application to enter the European Union.

While congratulating Hungary on the 1,000th anniversary of the foundation of the Kingdom of Hungary, this resolution makes it clear that we in the United States commend Hungary's efforts to rejoin the Pan-European and trans-Atlantic community of democratic states and its efforts to move beyond the dark days of communist dictatorship to create a lasting, peaceful and prosperous democracy.

Mr. Speaker, I urge my colleagues to join in supporting the adoption of this important resolution.

Mr. LANTOS. Mr. Speaker, under my reservation, I am delighted to yield to the distinguished gentleman from New Jersey (Mr. PALLONE), one of the principal authors of this resolution.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding to me, and I appreciate all his support in bringing this resolution to the floor.

Mr. Speaker, several months ago, I introduced this bipartisan resolution congratulating the Republic of Hungary on the millennium of its founding as a nation, and I am pleased that this bipartisan resolution has reached the House floor. The bill currently has more than 30 cosponsors from both parties, and of course the House Committee on International Relations has approved it.

As a Member of Congress representing one of the largest Hungarian-American constituencies in this country, I am particularly proud to have introduced this measure with the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from California (Mr. LANTOS) and others and to have it reach the floor. I hope it will be signed into law shortly.

More than 20,000 people of Hungarian descent reside in my congressional district in New Jersey with New Brunswick being a major center of Hungarian-American cultural life.

Located in the very heart of Europe, Hungary has been at the center of most of the epic historical events that have swept through the continent. Throughout the last thousand years, and particularly during the turbulent 20th century, Hungary has undergone wars, invasions and foreign occupations. Nevertheless, the Hungarian people have maintained their strong sense of nationhood and have preserved their unique language and culture. While the roots of the Hungarian nation lie in the East, in the last 1,000 years Hungary has been firmly attached to the West, an attachment that 45 years of Soviet domination could not break.

Today, Hungary is a crucial part of the Western alliance. Indeed, in 1990, Hungary became the first of the captive nations of the Warsaw Pact to hold free and fair elections. Now, as the gentleman from California (Mr. LANTOS) mentioned, it has become a member of NATO, too.

The celebration of 1,000 years of nationhood intends to look back at Hungary's past, remembering Hungarian intellectual and cultural values that enriched European culture in the past centuries, while also looking towards the future. Thus, during this year when Hungary and its people mark 1,000 years of its history, they also celebrate a decade of democracy.

Lastly, while paying tribute to our friend and ally in Central Europe, we should also honor the hundreds of thousands of Americans of Hungarian descent who have contributed their talents and hard work to this nation.

If I could just mention to my colleagues, many of the Hungarian-Americans in my district came here after the uprising in the mid-1950s, and of course their descendents are still there and contributing to our culture and our economy in central New Jersey.

But I assure my colleagues that, for those people who left after the 1956 uprising, there was nothing that they enjoyed more than seeing Hungary become a democracy and a part of NATO and to be able to increase every year their alliance with the West and to our democratic values.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for his eloquent and appropriate comments.

Mr. Speaker, under my reservation, I am delighted to yield to the distinguished gentleman from Oklahoma (Mr. ISTOOK), one of the principle authors of this legislation.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman from California for yielding to me. I thank the gentleman from New York (Mr. GILMAN) for bringing this legislation up.

Mr. Speaker, as a principle sponsor, I think it is good that we talk about what it means for a nation, for Hungary, to celebrate 1,000 years as a Nation. Many of us recall when the United States of America celebrated its bicentennial in 1976. That was for 200 years. We have not yet made it quite to 225 or 250 or 500, much less 1,000 years that Hungary is celebrating.

When one looks at the history when they came into the Carpathian Basin and they decided that they wanted to establish permanency, and they wanted to be a key part of Europe, and they had the crowning of Saint Stephen as the first king of Hungary, and founded the state that has endured despite the Nazi occupations, the Soviet occupations. We, who have visited Hungary both before and after the Iron Curtain came down, see the marvelous resiliency of a people who could not be suppressed, who retained everything that they could, that made an example before the world in 1956 as the first nation to try to throw off the yoke of Communist oppression and domination.

The Freedom Fighters of Hungary earned a special place in the hearts of the American people. I am proud of the fact that Hungary was the first country under communist domination to break out by holding free elections. As the gentleman from New Jersey (Mr. PALLONE) mentioned, in 1990, when Hungary did that, that really started the collapse of the Iron Curtain.

Now this is especially important to me, not just because I visited this beautiful land, but this is the land from which my grandparents came to the United States of America. My father's parents were immigrants from Hungary. My grandfather came here just before the first world war. He became an American citizen. Just after that war, he went back and married my grandmother. James and Rozalia Istook became U.S. citizens.

If one has a chance to see the difference, Hungarians as well as so many people from throughout the land gathered to the United States of America and made this the melting pot. Because of that, we feel special kinship and ties to those who remained as well as those who came having had a chance to visit with family that we still have in Hungary before, and to rejoice with them in knowing that they have opportunities because they would not give up. They would not surrender their hearts and their minds and their souls to the communist yoke.

□ 1900

In fact, when we were visiting in Hungary before the fall of the Iron Curtain, it was fascinating to us that because of the 1956 revolution and the resistance that they constantly had to the Soviet regime, they were allowed certain economic opportunities and freedoms that other nations in the Communist block did not have, and we found that people there often referred to Hungary as the ''Little USA.'' This

was what they were saying among themselves, because they had that same yearning for freedom and for opportunity, economic as well as political.

There is a great sharing between our Nation and Hungary, and to know that Hungary has set an example of endurance of a thousand years, I think, is a great challenge for the United States of America. I would love to see the day when the parliament in Hungary is passing a resolution commending the United States of America on 1,000 years as a nation. Anyone who has never had a chance to visit Hungary and Budapest, this is one of the most beautiful spots in the entire world there on the Danube River where the Hungarian parliament is located. So as well as commemorating Hungary, we urge Americans to visit this great land.

Mr. Speaker, I thank the gentleman from California (Mr. LANTOS); and of course, for him, it is not just a matter of his ancestors but himself who was born there, and he sets the example, as I mentioned, of being part of the melting pot: E Pluribus Unum, out of many nations has come one, the United States. And we want to remember this special land of Hungary and congratulate them on their millennium.

Mr. LANTOS. Mr. Speaker, reclaiming my time, I want to thank my colleague and friend for his most eloquent remarks.

Mr. Speaker, in conclusion, may I just say that as one of Hungarian heritage, who is immensely proud of his heritage, it is important for us to realize that this small nation of 10 million people has been a leader globally in science, in music, in art, in sports, in almost every field of human endeavor. In the Sidney Olympics just concluded, again the Hungarian Olympic team acquitted itself with remarkable success. There is a tremendous list of Nobel laureates from Hungary, testifying to the scientific and educational and academic achievements of this small country.

I strongly urge all of my colleagues to support this resolution and, more importantly, to work along with those of us who have special interests in Hungary to continue building ties of business and culture and academic exchange and good fellowship with the people of Hungary.

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

Mr. LANTOS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I just want to thank the gentleman from California (Mr. LANTOS), the gentleman from Oklahoma (Mr. ISTOOK), and the gentleman from New Jersey (Mr. PALLONE) for their work on this measure and for their supporting statements. This is an important resolution, and I just want to urge my colleagues to fully support the measure.

Mr. LANTOS. Reclaiming my time, Mr. Speaker, I thank the distinguished chairman of the committee for his words.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 400

Whereas the ancestors of the Hungarian nation, 7 tribes excelling in horsemanship and handicrafts, settled in the Carpathian basin around the end of the 9th century;

Whereas during the next century this tribal association had accommodated itself to a permanently settled status;

Whereas the ruler of the nation at the end of the first millennium, Prince Stephen, realized with great foresight that the survival of his nation depends on its adapting itself to its surroundings by becoming a Christian kingdom and linking its future to Western civilization;

Whereas in 1000 A.D. Stephen, later canonized as Saint Stephen, adopted the Christian faith and was crowned with a crown which he requested from Pope Sylvester II of Rome;

Whereas, by those acts, Saint Stephen, King of Hungary, established his domain as 1 of the 7 Christian kingdoms of Europe of the time and anchored his nation in Western civilization forever;

Whereas during the past 1,000 years, in spite of residing on the traditional crossroads of invaders from the East and the West, the Hungarian nation showed great vitality in preserving its unique identity, language, culture, and traditions;

Whereas in his written legacy, Saint Stephen called for tolerance and hospitality toward settlers migrating to the land from other cultures;

Whereas through the ensuing centuries other tribes and ethnic and religious groups moved to Hungary and gained acceptance into the nation, enriching its heritage;

Whereas since the 16th century a vibrant Protestant community has contributed to the vitality and diversity of the Hungarian nation;

Whereas, particularly after their emancipation in the second half of the 19th century, Hungarians of the Jewish faith have made an enormous contribution to the economic, cultural, artistic, and scientific life of the Hungarian nation, contributing more than half of the nation's Nobel Prize winners;

Whereas the United States has benefitted immensely from the hard work, dedication, scientific knowledge, and cultural gifts of hundreds of thousands of immigrants from Hungary; and

Whereas in this year Hungary also celebrates the 10th anniversary of its first post-communist free and democratic elections, the first such elections within the former Warsaw Pact: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the Republic of Hungary, and Hungarians everywhere, on the one thousandth anniversary of the founding of the Kingdom of Hungary by Saint Stephen; and

(2) commends the Republic of Hungary for the great determination, skill, and sense of purpose it demonstrated in its recent transition to a democratic state dedicated to upholding universal rights and liberties, a free market economy, and integration into European and transatlantic institutions.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 400, the matter just considered.

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

There was no objection.

PASS THE VIOLENCE AGAINST WOMEN ACT

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

Mrs. MALONEY of New York. Mr. Speaker, over 900,000 women suffer violence each year at the hands of an intimate partner. We need the Violence Against Women Act to be reauthorized. It has provided over $1.6 billion in Federal grants to prosecutors, to law enforcement officials, and to victim assistance programs; yet it was allowed to expire this past weekend.

Last week, this body passed it overwhelmingly. There is deep support in the Senate, with over 70 co-sponsors. Yet the Senate is holding this important piece of legislation up. Meanwhile, women fleeing domestic violence and children who live in violent situations wait and wait and wait.

I urge the other body to pass this bill immediately. Women and children around this Nation are counting on us. We should have passed it in the other body last week. We should not have allowed it to expire.

VITAL LEGISLATION NEEDS ADDRESSING BEFORE CONGRESS ADJOURNS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to offer my support for moving along the Violence Against Women Act. I believe that we have more than an important responsibility to deal with this legislation. As Chair of the Congressional Children's Caucus, I can tell my colleagues of the terrible and horrific results that come from a child that has experienced violence in the home.

In addition, Mr. Speaker, I think it is vital that we spend these last waning hours to address the question of a patients' bill of rights to address the question of a guaranteed Medicare drug prescription benefit for seniors. Having come from my district, I know what people are crying out for.

I also believe, Mr. Speaker, that as we have seen three recent votes on the floor of the House this evening, it is imperative when we look at serious issues dealing with privacy and violence against women that we have

hearings and the opportunity to deliberate and add amendments to the bill so we can put forward to the American people important and vital and serious and valuable legislation.

Mr. Speaker, I think that the American people are not expecting us to be the ''do-nothing'' Congress. They, frankly, want us to do our jobs.

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 Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. 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 Illinois (Mr. PORTER) is recognized for 5 minutes.

(Mr. PORTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WIND FOR ELECTRICITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I represent San Diego, California, which is undergoing a tremendous crisis in terms of the price that we pay for electricity. In the last 3 months, prices have doubled and tripled. And while we have a short-term cap on those prices, we are looking to Congress to bring down the wholesale price of electricity and bring down the rates to consumers and small businesses.

Tonight, I want to speak about the long-range issue of energy and how that affects San Diego and the rest of our Nation. We all know that oil, natural gas, and home heating fuel prices are at a 10-year high. American consumers are facing record increases in domestic energy costs. This past summer households have been hit by soaring electricity rates in California, and motorists have faced astronomical gasoline price hikes. Now, in the coming winter months, high energy prices will affect households throughout the country.

The economic consequences are all too evident to individual consumers both at home and overseas. In Europe we see gasoline shortages, panic buying, and massive protests over rising prices. Furthermore, the impact does not stop with the individual consumer; the whole Nation bears the consequences. A surge in the price of energy can derail the economic expansion that we have worked so hard to achieve and maintain.

I think we know that energy supplies and prices are indeed cyclical. We have been lulled into inaction by the long downside half of that cycle. Oil and gas have been in adequate supply and the moderate energy prices have made us forget the upside of that cycle. The energy crises of the 1970s and 1980s are forgotten history. Consequently, we have failed to implement policies to increase our energy supplies and to promote stable prices. We have steadily grown more dependent on conventional and imported energy. Congress has done very little to protect the Nation from the inevitable upswing in that cycle.

In particular, we have failed to support the development of alternative energy resources. In terms of domestic resource potential, wind energy is the most overlooked fuel source in this Nation. This resource is available in almost every State and can be utilized for electric generation more quickly than any other energy resource. Although California has been a leader, other States, such as Wyoming, Wisconsin, Vermont, Texas, Pennsylvania, Oregon, New York, Minnesota and Iowa, are beginning to utilize their wind energy resources. The use of wind power for electric generation is slowly growing.

Compared with the tax incentives for conventional nuclear energy, Federal tax support for renewable energy resources, such as wind, is relatively small. Aside from accelerated depreciation, which is shared by other fast-evolving technologies, wind facilities now qualify only for a temporary Federal production tax credit. This credit helps provide a price floor, but if the price of wind-generated electricity rises above a certain benchmark, the tax credit phases out and this credit took effect in 1994.

It was originally decided to sunset this credit in June of 1999. But several years after the credit was enacted, Congress considered repealing it when energy prices were at an all-time low. Fortunately, Congress retained the credit and later extended it until 2002. Despite waivering congressional policy, the credit has promoted use of domestic wind energy resources and has promoted technological development.

An uncertain credit and a temporary extension, however, does not support long-term planning, development and construction of electric generation projects. The experience with another credit program proves my point. Between 1986 and 1992, when the section 48 solar and geothermal credit was finally made permanent, Congress extended this credit in 1-, 2-, and 3-year increments. Sizable projects could not be undertaken because of the short eligibility period; and small short-term projects that were attempted had to be rushed to completion at great cost to meet the qualification deadline. For both policy and practical reasons, the wind production credit should be made permanent, like the credit for solar and geothermal resources.

Our long-time reliance on conventional fuels has created a mindset which ignores alternatives. Mr. Speaker, the resulting institutional practices resist the use of nonconventional energy resources. Power management, transmission, and pricing practices need to adjust to the requirement of utilizing a new alternative resource. With the threat of another energy crisis looming in the future, Congress needs to reassess and redirect our national energy programs.

To spur that analysis and redirection, I have introduced today the Wind for Electricity Act to specifically promote the development of wind energy resources in this Nation. I know that San Diego is looking to this Congress for short-term relief from the high prices of electricity and to long-term alternative energy resources. I hope we all act soon.

RESPONSE TO PREVIOUS SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I have had the pleasure of serving in this body for 14 years. And during the 14 years, one of the things that I have learned about our colleagues is that we all have a feeling of high regard for each other. If someone is going to say something about another Member, the protocol usually has been that the Member be told about it in advance.

This past Thursday that did not happen, as the gentleman from California (Mr. WAXMAN) got up after everyone left Washington, late Thursday, and did a special order for 1 hour; a tirade mentioning a number of Members of Congress. Now, I will not do to him what he did to our colleagues. He only mentioned me briefly, but I told the gentleman from California (Mr. WAXMAN) this morning that I would come here personally and respond to the things he said regarding me.

The gentleman from California (Mr. WAXMAN) said that we were too harsh in criticizing the administration for the possibility of having the administration transfer technology to China in return for campaign dollars. He went on to make two specific charges: number one, that the Cox Committee, which I served on, in fact totally exonerated the administration on those allegations; and, number two, that the Justice Department said there was no

reason to believe there was any need to further investigate the transfer of campaign dollars for technology to China.

Well, let us look at the facts, Mr. Speaker. The fact is that this gentleman, the largest single contributor in the history of American politics, Mr. Bernard Schwartz, from 1995 to 2000, contributed personally $2,255,000 to Democratic national candidates, DNC, the Democratic Senatorial Committee and the Democratic Congressional Committee.

□ 1915

The allegation was in 1998 when he contributed $655,000 to those candidates that there was a potential quid pro quo because Bernard Schwartz had been lobbying for a permit waiver to transfer satellite technology to China.

Now, the Justice Department has said on the record they opposed that the President intervene to a make a waiver decision, but the President went ahead on his own.

Now, in fact, our Cox committee did not even look at this issue. In fact, if the gentleman from California (Mr. WAXMAN) would have bothered to read the Cox committee report, in the appendix under the scope of the investigation it says, we did not even consider the political contribution aspect of this because other committees were looking at it and because we could not get people to testify because they pled the fifth amendment or they left the country.

But let us look at what the Justice Department said. Here is what the Justice Department said in the LaBella memo, which I would encourage our colleague, the gentleman from California (Mr. WAXMAN), and every citizen in America to request from their Member of Congress:

''It is not a leap to conclude that having been the beneficiary of Schwartz's generosity in connection with the media campaign, the administration would do anything to help Bernie Schwartz and Loral if the need arose.''

This was written not by a Republican. This was written by Charles LaBella, Justice Department special investigator to Louis Freeh, which went to Janet Reno.

They further said this, Mr. Speaker: ''As suggested throughout this memo, there are many as yet unanswered questions. However, the information suggests these questions are more than sufficient to commence a criminal investigation.''

Who would that criminal investigation have been against? It would have been against four people: Bill Clinton, Hillary Clinton, Al Gore, and Harold Ickes, who is Hillary's campaign manager in New York. It would have been against the Loral Corporation and Bernard Schwartz.

So here we have it, Mr. Speaker. The two allegations made by the gentleman from California (Mr. WAXMAN) are totally false. He owes an apology to the American people. Because, number one, the Cox Committee never looked at these facts. And he should know that unless he cannot read very well. It is right here in the text. Number two, he claims the Justice Department dismissed these allegations out of hand.

Well, I trust the American people. I would urge all of our colleagues to have this report available to every constituent across America, the LaBella memo. It is 94 pages. It is redacted, but they can read for themselves and they can see what this Justice Department, what FBI Director Louis Freeh, what handpicked Janet Reno Investigator Charles LaBella said about the need for a criminal investigation.

They name the four people in this document, and the four people are those four I mentioned along with Bernard Schwartz and the possibility of a quid pro quo for the $655,000 and all this money being transferred.

In fact, Mr. Speaker, when I get more time, I will go through the specific findings in the LaBella memo where they raised the issue of the request coming in to the President and specifically on February 18, 1998, the President signed the waiver after the Justice Department advised him not to sign it.

On January 21 of that same year, Schwartz donated $30,000 to the DNC. On March 2 he donated $25,000. All through that year, he donated $655,000 dollars. And that is why Louis Freeh and that is why Charles LaBella said there needs to be a further investigation for criminal activities involving the transfer of campaign dollars to the Democratic party, to the President and the Vice President and the First Lady and Harold Ickes based on the technology transfer to China, especially through the waiver that Bernie Schwartz got even though the Justice Department advised the President not to grant that waiver.

Mr. Speaker, the gentleman from California (Mr. WAXMAN) owes this Congress an apology.

Mr. Speaker, I include for the RECORD the following documents that I just referenced:

H. Res. 463 also authorized the Select Committee to investigate PRC attempts to influence technology transfers through campaign contributions or other illegal means. In light of the fact that two other committees of the Congress have been engaged in the same inquiry and had begun their efforts long before the Select Committee's formation, the Select Committee did not undertake a duplicative review of these same issues. The Select Committee did, however, contact key witnesses who could have provided new evidence concerning such issues.

The Select Committee's efforts to obtain testimony from these witnesses were unsuccessful, however, because the witnesses either declined to testify on Fifth Amendment grounds or were outside the United States. Because the Select Committee was unable to pursue questions of illegal campaign contributions anew, no significance should be attributed, one way or the other, to the fact that the Select Committee has not made any findings on this subject. The same is true with respect to other topics as to which time constraints or other obstacles precluded systematic inquiry.

Much of the information gathered by the Select Committee is extremely sensitive, highly classified, or proprietary in nature. In addition, the Select Committee granted immunity to, and took immunized testimony from, several key witnesses. Pursuant to an agreement reached with the Justice Department, this testimony must be protected from broad dissemination in order to avoid undermining any potential criminal proceedings by the Justice Department.

There are two documents which could form a basis upon which to predicate a federal criminal investigation. The first is a February 13, 1998, letter from Thomas Ross, Vice President of Government Relations for Loral, to Samuel Berger, Assistant to the President for National Security Affairs. It could be argued from this letter that Schwartz intended to advocate for a quick decision on the waiver issue by the President. In the letter, annexed as Tab 47, Ross wrote: ''Bernard Schwartz had intended to raise this issue (the waiver) with you (Berger) at the Blair dinner, but missed you in the crowd. In any event, we would greatly appreciate your help in getting a prompt decision for us.''

In the letter Ross also outlined for Berger how a delay in granting the waiver may result in a loss of the contract and, if the decision is not forthcoming in the next day or so, Loral stood to ''lose substantial amounts of money with each passing day.'' The President signed the waiver on February 18, 1998. On January 21, 1998, Schwartz had donated $30,000 to the DNC; on March 2, 1998, he donated an additional $25,000.

The second document is a memo from Ickes to the President dated September 20, 1994, in which Ickes wrote:

''In order to raise an additional $3,000,000 to permit the Democratic National Committee (''DNC'') to produce and air generic tv/radio spots as soon as Congress adjourns (which may be as early as 7 October), I request that you telephone Vernon Jordan, Senator Rockefeller and Bernard Schwartz either today or tomorrow. You should ask them if they will call ten to twelve CEO/business people who are very supportive of the Administration and who have had very good relationships with the Administration to have breakfast with you, as well as with Messrs. Jordan, Rockefeller and Schwartz, very late this week or very early next week.

''The purpose of the breakfast would be for you to express your appreciation for all they have done to support the Administration, to impress them with the need to raise $3,000,000 within the next two weeks for generic media for the DNC and to ask them if they, in turn, would undertake to raise that amount of money.

* * * * *

''There has been no preliminary discussion with Messrs. Jordan, Rockefeller or Schwartz as to whether they would agree to do this, although, I am sure Vernon would do it, and I have it on very good authority that Mr. Schwartz is prepared to do anything he can for the Administration.'' See Tab 12 (emphasis in original).

From this memo one could argue that Ickes and the President viewed Schwartz as someone who would do anything for the Administration—including raising millions of dollars in a short period of time to help the media campaign. We now know not only that the media campaign was managed by Ickes from the White House, but also that it played a critical role in the reelection effort. Consequently it is not a leap to conclude that having been the beneficiary of Schwartz' generosity in connection with the

media campaign, the Administration would do anything it could to help Bernie Schwartz (and Loral) if the need arose.

If in fact there is anything to investigate involving the Loral ''allegations,'' it is—as set out in the Task Force's draft investigative plan—an investigation of the President. The President is the one who signed the waiver, the President is the one who has the relationship with Schwartz; and it was the President's media campaign that was the beneficiary of Schwartz' largess by virtue of his own substantial contributions and those which he was able to solicit. We do not yet know the extent of Schwartz solicitation efforts in connection with the media fund. However, if the matter is sufficiently serious to commence a criminal investigation, it is sufficiently serious to commence a preliminary inquiry under the ICA since it is the President who is at the center of the investigation.

For all these reasons, the Loral matter is something which, if it is to be investigated, should be handled pursuant to the provisions of the ICA.

CONCLUSION

We have been reviewing the facts and the evidence for the last ten months. During that time we have gained a familiarity with the cases, the documents and the characters sufficient to draw some solid conclusions. It seems that everyone has been waiting for that single document, witness, or event that will establish, with clarity, action by a covered person (or someone within the discretionary provision) that is violative of a federal law. Everyone can understand the implications of a smoking gun. However, these cases have not presented a single event, document or witness. Rather, there are bits of information (and evidence) which must be pieced together in order to put seemingly innocent actions in perspective. While this may take more work to accomplish, in our view it is no less compelling than the proverbial smoking gun in the end. As is evident from the items detailed above, when that is done, there is much information (and evidence) that is specific and from credible sources. Indeed, were this quantum of information amassed during a preliminary inquiry under the ICA, we would have to conclude that there are reasonable grounds to believe that further investigation is warranted. As suggested throughout this memo, there are many as yet unanswered questions. However, the information suggesting these questions is more than sufficient to commence a criminal investigation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DICKEY). Members are reminded not to make personal references toward the President or Vice President of the United States.

BREAST CANCER AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BACA) is recognized for 5 minutes.

Mr. BACA. Mr. Speaker, this month is National Breast Cancer Awareness Month. This month is devoted to increasing the awareness of breast cancer and to promote a nationwide education effort for the love of life.

Breast cancer is a tragedy that we must fight to eliminate. A pink ribbon that I am wearing and many other individuals will be wearing this month means more than awareness. It stands for the love of your wife, your sister, your mother, your grandmother, your daughter, and your colleagues.

We must do everything to stop this disease. About 182,000 new cases of breast cancer will be diagnosed in the United States this year alone, not to mention how many currently have breast cancer now or how many have died because of breast cancer.

Breast cancer prevention and treatment is an issue fought in the State legislature. It is one that I fought and I carried the legislation for the breast cancer stamp, the license plate for treatment and prevention. We must raise the awareness that the best protection is early detection and action.

There are measures women and their doctors can take to catch this disease early, including clinical exam, self-examination, and mammograms. During this month, I encourage all Members to spread the message about the importance of prevention and treatment. I encourage the Members to speak to their friends, co-workers, their families, and their communities. Some of the locations that we can speak at are hospitals, mammography centers, the health centers, and breast cancer awareness presentations.

This week I spoke at Loma Linda on behalf of a nonprofit organization named the Candlelight Research for Children that received treatment for cancer. And just this last week alone I spoke at Fontana Kaiser Permanente where they actually had the pink ribbon highlighted at the hospital for many individuals to see.

Congress should continue to support legislation such as H.R. 4386, the Breast Cancer and Cervical Cancer Treatment Act. This bill, supported by a bipartisan majority of Congress, would provide the treatment to low-income women who currently receive screening under the Federal program.

We should also support legislation pending in Congress to extend the Federal breast cancer stamp which would fund breast cancer research. We must also fund Federal agency research efforts, such as the Department of Defense peer-reviewed breast cancer research program.

We must not stop. We must not quit. We must continue to fight. This is an important national priority. We need to encourage everyone to be aware of this issue and encourage them to pass information on to those that they love. It just might save their life or the life of someone they love.

To touch a life is to save a life.

AMERICA DEMANDS STRONG ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, recently Governor Bush proposed a comprehensive energy policy which I believe will go a long way towards increasing our Nation's energy self-sufficiency and strikes the proper balance between energy production and protecting the environment.

Last week, the Subcommittee on Energy and Power, on which I serve, held a hearing to examine the United States' energy concerns. Most of the hearing focused on the President's decision to release 30 million barrels of oil from the Strategic Petroleum Reserve to supposedly help Americans in the Northeast who may face a dwindling supply of home heating oil for the upcoming winter.

While no one would argue that we must ensure that Americans' heating needs are met, I seriously question the motivation and the reason for releasing this oil.

First, the key word here is ''strategic.'' The reserve was created in the wake of the 1973 oil embargo, and Presidential authority to draw down the reserve is contingent only upon the finding of a severe energy supply disruption. In fact, the Energy Information Administration, in a letter to the chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY), in February, stated: ''The SPR is intended for release only in the event of a major oil supply disruption, not for trying to manage the world market of nearly 74 million barrels per day.''

Last month, Treasury Secretary Summers and the Federal Reserve Chairman Alan Greenspan sent a memo to the President opposing the release of oil from the reserve based in part ''it would be seen as a radical departure from past practice and as an attempt to manipulate prices.''

Furthermore, Vice President Gore himself opposed the release of oil from the SPR earlier this year but suddenly had a change of heart with both winter and the elections looming ahead.

Upon announcing the release of 30 million barrels from the SPR, the President also announced the release of $400 million of taxpayers' money in low-income home energy assistance program funding. However, these funds will have to be replaced by Congress, most likely through emergency supplemental appropriations, and the oil will have to be replaced, hopefully, when oil is at a lower price per barrel.

Mr. Speaker, this action is indicative of the administration's lack of leadership, I believe, on energy policy. This 30-million-barrel release amounts to only about a 36-hour supply. Instead of tackling our energy problems head-on with a coherent policy, the administration chooses to run in a circle throwing money at the problem or proposing politically expedient policies which fail to address the long-term solution.

Since the Clinton-Gore administration took office, America's oil consumption has increased by 14 percent, while domestic production has decreased by 18 percent. America is the world's only superpower, and we are 56

percent dependent on foreign countries for our main energy needs.

In contrast, during the crippling 1973 oil embargo, the United States was only 36 percent dependent on foreign oil. And to add insult to injury, Iraq has now become the fastest growing oil supplier to the United States.

Another fact that I found troubling is that the Strategic Petroleum Reserve is made up of predominantly foreign oil. For crude oil received up to 1995 for the SPR, only 8 percent came from domestic producers.

I find it ironic that we developed the SPR so as to never again be at the whim of foreign nations in terms of oil supply and yet we fill our reserve with foreign oil.

I would also like to point out that Americans also use a large amount of natural gas for home heating. However, I have heard of no cry from the Clinton-Gore administration to help these Americans.

The demand in price of natural gas is skyrocketing, while natural gas production has been virtually flat over the past few years, primarily because domestic exploration has been hindered by this administration's severe environmental policies.

At last week's hearings, witnesses testified that we do in fact have a type of natural gas reserve, but because of the lengthy permit process and access restrictions enforced by this administration, we are unable to adequately tap these reserves.

Mr. Speaker, our country's demand for both oil and natural gas will increase dramatically over the next 10 to 20 years. It is time for a real energy policy and not a Band-Aid policy.

RECOGNITION OF THE URBAN LEAGUE ON ITS 89TH BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise this evening to give special recognition to a premier social service and civil rights organization that has fought the relentless fight for African Americans in the achievement of social and economic equality.

Historically, this organization has built bridges over the obstructions that impede the social freedom of citizens. Time and time again, this organization has been in the vanguard, providing guidance and instruction to millions.

As a principal shepherd, this organization has been a conduit that has negotiated on behalf of the voiceless and neglected. But most of all, this organization has contributed enormously towards inoculating the disease of institutionalized racism which continues to negatively impact many in America.

The organization of which I speak is the National Urban League as it prepares to celebrate its 89th birthday.

From the moment of its inception in 1911, the National Urban League has been in the forefront of promoting social change, promoting black conscientiousness and racial pride.

Furthermore, the National Urban League has been contributing to the transformation of American social, cultural, and political life.

□ 1930

The National Urban League consistently has been on the front line to gauge pressure, temper ills and provide solutions over adverse forces that permeate all sectors in our society.

During the Great Migration, the National Urban League created successful social action programs aimed towards improving employment opportunities for African Americans who migrated northward to escape the endless cycle of poverty that held their lives hostage. The National Urban League successfully helped these citizens by working through local affiliates to help them adjust to urban life. These affiliates taught citizens the basic skills necessary to secure employment. In addition, the National Urban League sponsored community centers, clinics, kindergartens, day care, summer camps, as well as a host of other programs tailored to meet the specific needs of black newcomers. In essence, these social programs provided a comprehensive social support system that enabled African Americans to thrive and compete in mainstream society. Thus, the National Urban League firmly established itself as a lead organization for reform in America.

Under Lester B. Granger's mentorship, the National Urban League reached unprecedented new levels during the Great Depression. By focusing its reform efforts on coercing the Federal Government to develop equitable policies dedicated towards inclusion for blacks, the National Urban League lobbied government to end discrimination and open its doors of opportunity. As a result of direct pressure, President Franklin Roosevelt issued an executive order ending discrimination in defense industries and Federal agencies.

While the face of America was transforming in the turbulent 1960s, the National Urban League stood strong and helped organize extensively to help African Americans take an active role in the political process. Under the direction of Whitney Young, Jr., the National Urban League launched vigorous voter registration drives. Mr. Young's vision of political empowerment for blacks did not end there. To complement efforts to increase blacks' access to the polling booth, the National Urban League sponsored leadership development and voter registration projects. As a result of these and other initiatives, African Americans as a unit began to wield their newly developed, fine-tuned political prowess far more effectively in the political process.

Today, the National Urban League continues to promote social, economic, and political empowerment. By using tools of advocacy, research, and program service as its main approach, the National Urban League has expanded its programs to help African Americans meet anticipated challenges in the new century.

Under the direction of Hugh Price, the National Urban League has worked to provide information and technical assistance to thousands of small businesses as they compete in the technological and global economy. In addition, the National Urban League is helping to tackle the sprouting problems that seize our Nation's failed schools. Mr. Price is committed to closing the digital divide that has a crippling effect on our Nation's youth.

Furthermore, the National Urban League continues to lead African Americans to new opportunities that will help them attain economic self-sufficiency and is helping to fight racial profiling and police brutality. Through its various programs, the National Urban League is helping to move America into a new era with vigor and vitality.

I could not mention the work of the Urban League without mentioning the tremendous work done by the Chicago Urban League under the leadership of its president and chief executive officer, James Compton, who is noted as one of Chicago's most outstanding leaders. Prior to the advent of Jim Compton, the Chicago League was led by William ''Bill'' Berry who was voted as one of the most effective leaders of his day. His wit, charm, and personality helped to move many situations.

IN OPPOSITION TO INTERIOR APPROPRIATIONS CONFERENCE REPORT

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I rise tonight to oppose the Interior appropriations bill that is likely to come upon us, at least in the form that we have been hearing about. It is pumping millions of dollars into the appropriations process but guts CARA, the Conservation and Reinvestment Act, that three-quarters of this House voted to support. CARA has a trust fund. When we talk about the Medicare and Social Security trust funds being restored, we also have an obligation to put the money into other trust funds before we engage in disbursing it into various appropriations accounts. We have a number of smaller trust funds but they are nonetheless trust funds where we take fees from people and tell them they are going to be used for an intended purpose and then divert it, here in the case of many people who hunt or fish or pay different fees and have had their fund diverted into the general budget.

Secondly, by gutting CARA, this will hurt our efforts to increase oil drilling

and compensate for that oil drilling through additional environmental resources in the States where the drilling is done. This was a delicately crafted compromise. Alaska, California, and Louisiana are States that are going to be most directly affected by the oil drilling. I may not represent one of those States, but I represent a State right now where we desperately need more oil and gas so we can keep our energy prices down for home heating oil in the winter and for also the fact that in our district we make pickups, we make RVs, we make boats, we make lots of things that we sell to the rest of America that use gas. It is only fair if we drill for additional gas in these States and work out an agreement that funds for other environmentally-sensitive projects in those States are spent in those States.

Thirdly, CARA is one of the only ways that States like Indiana can get any Federal funds for wildlife and conservation efforts. We do not have national parks like in the West. In my district, Pokagon and Chain O'Lakes State Parks have received funds from this reservoir that in the past previously had been funded by this Congress but as of late has received minimal funding, Dallas Lake County Park in LaGrange County, and city parks in Decatur and Columbia City. CARA is one of the only ways that funds get equitably distributed around the country rather than just go to the appropriators' favorite projects or people where they already have big national parks.

The proposed Interior bill has many important projects in it, but it has the purpose and the practical impact of gutting CARA, a bill that three-quarters of us supported. So those who favor CARA, which is most of this body, would be wise to vote against this bill for environmental reasons; but as I pointed out last Thursday on this floor, those who have moral concerns should also vote against this bill.

First off, while they have not directly funded these programs, NEA in the last few years, National Endowment for the Arts, has funded in-your-face theater programs like, for example, the Woolly Mammoth Theatre. The Woolly Mammoth Theatre in its description of its purposes says it produces plays that are questioning of mainstream American values, such as ''My Queer Body,'' where a man describes what it is like on stage to have sex with another man, then climbs naked into the lap of a spectator and attempts to arouse himself sexually in full view of the audience. They received a grant this year, by the way, Woolly Mammoth, yet another grant.

Or how about blaspheming Jesus Christ? We did not fund ''Corpus Christi,'' but we fund the Manhattan Theatre prior to this being done. We funded it with two grants this year, where Jesus Christ is portrayed as having a homosexual relationship with the apostle Peter and all the apostles. We complain about Hollywood, then what are we doing funding these theaters?

Thirdly, there is ''The Pope and the Witch,'' written by an Italian Communist against the Catholic Church there where the Pope, and it is performed by the Theatre for the New City which once again received a grant this year in spite of doing this offensive play where the Pope goes to the Vatican Square, there are 100,000 children, he decides it is a plot by the condo manufacturers to embarrass the Catholic Church. Fortunately, a little nun, or actually not a nun, it is a witch disguised as a nun, comes up and injects heroin into the Pope's veins. The Pope then gets addicted to drugs, to heroin. Then he sees the enlightenment, to enlighten the world by going around preaching free condom distribution, free heroin needles for drug addicts and free legalization of drugs throughout the world.

Is this what we want to do with taxpayer dollars, to fund theaters that perform this? By the way, there is another interesting little play in this book called ''The First Miracle of the Boy Jesus,'' a mockery of Christ from the very beginning.

I think it is time that this Congress stop pointing the finger everywhere else, and instead we have to clean up the funding that we are doing here. We asked for a simple compromise with the Senate and with the President that says no obscenity or blasphemy will be funded; that there will be a small reduction in the direct NEA funding and we would put the additional funds, up to $9 million, $7 million and if we take $2 million additional out of NEA, $9 million into a special fund for rural areas where we have not had this.

I understand they can get around that, but it is like a Good Housekeeping seal. If the National Endowment for the Arts says a theater that does ''The Pope and the Witch'' is deserving of government funding, it is a Good Housekeeping seal from the Federal Government. It is time we stop that, stop criticizing Hollywood and clean up our own house first.

ARMENIAN GENOCIDE RESOLUTION

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. Mr. Speaker, tomorrow in the House Committee on International Relations a very important debate will take place. The members of that committee will determine if this House of Representatives is able to vote on a resolution that would finally pay tribute to the victims of one of history's worst crimes against humanity, the Armenian Genocide of 1915 through 1923.

The Armenian Genocide was the systematic extermination of 1.5 million Armenian men, women, and children during the final years of the Ottoman Turkish Empire. This was the first genocide of the 20th century, but sadly not the last.

Yet, Mr. Speaker, I regret to say that the United States still does not officially recognize the Armenian Genocide. Bowing to strong pressure from Turkey, the U.S. State Department has for more than 15 years shied away from referring to the tragic events of 1915 to 1923 by using the word ''genocide.'' President Clinton and his recent predecessors have annually issued proclamations on the anniversary of the Genocide, expressing sorrow for the massacres and solidarity with the victims and survivors, but always stopping short of using the word ''genocide,'' thus minimizing and not accurately conveying what really happened beginning 83 years ago.

In an effort to address this shameful lapse in our own Nation's record as a champion of human rights, a bipartisan coalition of Members of Congress has been working to enact legislation affirming the U.S. record on the Armenian Genocide. I want to applaud the work of the gentleman from California (Mr. RADANOVICH) and the gentleman from Michigan (Mr. BONIOR), our Democratic whip, for their strong leadership in creating this legislation.

Many countries, as well as States and provinces and local governments, have adopted resolutions or taken other steps to officially recognize the Armenian Genocide. From Europe to Australia, to many States in the United States, elected governments are going on record on the side of the truth. Regrettably, the Republic of Turkey and their various agents of influence in this country and in other countries have fought tooth and nail to block these efforts.

Mr. Speaker, it is nothing short of a crime against memory and human decency that the Republic of Turkey denies that the genocide ever took place and has even mounted an aggressive effort to try and present an alternative and false version of history, using its extensive financial and lobbying resources in this country.

Mr. Speaker, there is a lot of sympathy and moral support for Armenia in the Congress, in this administration, among State legislators around the country, and among the American people in general. But we should not kid ourselves. We are up against very strong forces, in the State Department and the Pentagon, those who believe we must continue to appease Turkey, and among U.S. and international business interests whose concerns with exploiting the oil resources off Azerbaijan in the Caspian Sea far outweigh their concerns for the people of Armenia.

It is my hope, Mr. Speaker, that the Committee on International Relations tomorrow will quickly approve this resolution and finally bring it to the floor in this House in the coming weeks so that we can finally recognize this horrible crime.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GUAM'S ENVIRONMENTAL PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, I rise today to express some concerns about environmental conditions on Guam as a result of problems with PCBs and as a result of some recently discovered mustard gas vials left over from the military. I am very concerned about the safety of my constituents in light of these recent discoveries of chemical weapons testing kits containing measurable amounts of mustard gas and other toxic chemicals on Guam. Given the public health dangers associated with exposure to these substances, I have requested the Department of Defense to perform a historical record survey to determine the final disposition of chemical weaponry that was brought to Guam. This survey should be comprehensive and include identifying former military dump sites as well as other potential disposal sites used by the military.

Guam has been a significant area for U.S. military activity for more than 50 years. First used as a major staging area during World War II, the military presence in Guam increased correspondingly with the Korean and Vietnam Wars.

□ 1945

Its full value as an area to forward deploy American military forces continues to be strong, even in today's post-Cold War era. At the time, Guam was home to a fully operational Naval Base, Naval Air Station, Naval Communications, Submarine Base, Air Force Strategic Air Command and Naval Weapons Depot, and today still has the largest weapons storage area in the entire Pacific.

But over these many years it has become clear that it was military activities during World War II that posed the greatest threat to the people of Guam. During World War II, Guam was used as a staging area for the invasion of the Philippines, Iwo Jima, Okinawa, and eventually, as contemplated, the invasion of the Japanese homeland.

Over time, several instances of mustard gas have been discovered; and a few months ago, officials from the University of Guam presented documents to military officials that a huge shipment of mustard gas was brought to Guam in 1945. But there has been no documentation of these weapons leaving the island.

In a September 5, 2000, Pacific Daily News article, a spokesman for the Army Corps of Engineers surmised that the shipment had been likely dumped at sea. It is illogical, because the shipment was brought to Guam. How could it be taken off and dumped at sea? He went on to say that lacking evidence of a definitive area that should be searched, the Army Corps could not conduct a comprehensive search. ''Otherwise, it is almost like a needle in a haystack.''

However, just last week, additional chemical weapon cannisters were found with a pile of unexploded ordnance at Anderson Air Force Base, and these cannisters resemble the testing kits that had been earlier found in the central part of Guam, in Mongmong, an area that used to be a military base. With these two discoveries of toxic chemicals in less than 2 years, I believe that we have in fact found just the beginning of countless needles in the haystack.

I would have hoped that the first discovery of mustard gas would have spurred the Department of Defense to engage in this exhaustive survey, historical survey, of what chemical weapons and what general ordnance was stored on Guam left over from World War II.

In addition, this is combined with another issue concerning the environmental condition of Guam, and that is the inability to take PCBs out of Guam. Guam and other territories are outside the customs zone, and as laws regarding the disposal of PCBs, PCBs can be brought to Guam from the U.S. mainland, but they cannot be brought back into the U.S. mainland for proper disposal. I remain in strong conversation with EPA officials and have received a strong commitment to resolve this problem administratively in the upcoming months.

However, in a neighboring island to the north, Saipan, there were recently discovered PCB materials, but the EPA has already issued an administrative order releasing those PCB items to be moved back into the U.S. mainland. I think it is a situation that cries out for solution and fair and balanced treatment for all the territories.

It is important to understand that the Toxic Substances Control Act prohibits Guam from importing PCBs inside the U.S. customs zone, even though the PCBs originated inside the U.S. customs zone. The U.S. Court of Appeals Ninth Circuit's 1997 ruling of Sierra Club v. EPA overturned an attempt by EPA to solve this problem administratively, which would have dealt with PCBs in a more rational manner.

Parenthetically, PCBs that are on military bases are easily moved back into the U.S. This disparate treatment between military bases and the civilian community of Guam, composed of U.S. citizens, just like everywhere else, is simply intolerable and must be resolved by EPA.

In general, we have a very difficult situation with PCBs and their disposal in Guam. We have this issue with chemical toxic weapons. I certainly call upon the Army Corps of Engineers and the Department of Defense to conduct an exhaustive search. We first called for this exhaustive search in July of 1999. We continue to press the issue, and certainly I hope that the Department of Defense will see fit to finally review all of the weapons which have been brought into Guam and through which two or three generations of people from Guam have been raised in the shadow of these weapons.

THE VETERANS ORAL HISTORY PROJECT

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, earlier this year, in April, as a matter of fact, this Congress declared the American GI the Person of the Century. I believe it was entirely proper and fitting that we did so. But I also believe it is appropriate that those men and women whose contributions were recognized as the single-most significant force affecting the course of the 20th century have an opportunity to share their unique experience so that future generations might better understand the sacrifices made for the cause of democracy. Now, we have the technology to do so, Mr. Speaker.

That is why I, along with my friend, the gentleman from New York (Mr. HOUGHTON), introduced a couple of weeks ago H.R. 5212, the Veterans Oral History Project. What the bill would do is direct the Library of Congress to establish a national archives for the collection and preservation of videotaped oral histories of our veterans, as well as the copying of letters that they wrote during their time in service, diaries that they may have kept, so there is a national repository of this very important part of our Nation's history.

We also believe that time is of the essence with this oral history project, given that we have roughly 19 million veterans still with us in this country today, 6 million of whom fought during the Second World War, roughly 3,500 still exist from the First World War, but we are losing approximately 1,500 of those veterans a day. With them go their memories. That is why we feel this project and this legislation has a sense of urgency attached to it.

Abraham Lincoln during his Gettysburg Address I think underestimated his oratorical skills when he stated, ''The world will little note nor long remember what we say here, but we must never forget what they did here.''

That is exactly the concept behind this oral history project. It will require the cooperation of people across the country, not only the veterans to come forward to offer their videotaped stories, but also their family members to do the videotaping, or friends or neighbors, with VFW and American Legion halls across the country participating in it.

I envision class projects centering on students going out and interviewing these veterans and preserving those videotapes for local history purposes, but to send a copy to the Library of Congress so that the library can digitize it, index it, and make it available, not only for today's historians and generation, but for future generations.

I envision students, young people in the 22nd, even the 23rd century, being able to pop up on the Internet the videotaped testimonies of their great-great-great-great-grandfather or grandmother and learn firsthand from their grandparents' own words what it was like to serve during the Second World War, Korea, Vietnam or the Gulf War. What an incredibly powerful learning opportunity that will be for future generations.

Every year I organize, on Veterans' Day, kind of a class field trip. I bring student groups into the VFW and American Legion halls, and I connect them to the veterans in our local communities and the veterans share their stories of the Second World War, Korea, Vietnam, for instance, and the students are silent with attention, absorbing every last syllable that these veterans enunciate during that time.

It is an incredible event that goes on, not only the veterans sharing of the stories, many of them for the very first time since they served their country, but for the students to learn on this firsthand account what it was like with the sacrifice and the courage that our men and women in uniform provided our country at the time of need.

That is what is behind this Veterans Oral History Project. Last year we had some veterans that went into the American Legion Post 52 back in La Crosse that remind me of the purpose of this legislation. Ed Wojahn, a veteran of the Second World War; Jim Millin, also a veteran of the Second World War; Ralph Busler, who served three different tours of duty in Vietnam, all of whom came out and spoke to these student groups at the American Legion in La Crosse, Wisconsin, in my congressional district.

I can recall as if it happened yesterday, Ed Wojahn telling his story and breaking down as he recounted visiting last summer in Belgium the grave site of a World War II comrade in arms who fell during the opening days of the Battle of the Bulge.

Mr. Wojahn is 77 years old, and he told the students he was a 22-year-old Army combat engineer when he was captured by German forces in Belgium on his birthday, on December 18, 1944. His unit was without food, without ammunition, and was surrounded by German soldiers for 2 days before his captain finally surrendered. He stated, ''There was no way to go. You went forward, you went backwards, sideways, there were Germans everywhere.'' It was an incredible story that he told along with the other veterans on that day.

Mr. Speaker, that is why I ask my colleagues, 250 of whom are original cosponsors, to move this legislation forward as quickly as possible since time is of the essence.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

(Mr. SCOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore (Mr. DICKEY). Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

THE FUTURE OF RURAL AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I and a group here rise tonight to talk about rural America, the heartland of this country. The last few years we have had the most fantastic economic boom in this country in our history, but the question many ask is why has so much of rural America been left behind. Why has rural America struggled for its economic life when suburban America is flourishing and enjoying unparalleled prosperity?

We believe that a lack of leadership is very much a part of that. Rural America has not fared well under the Clinton-Gore policies. We are also very concerned that rural America will not fare well under a Gore administration.

Agriculture, at a time when this country has expanded its ability to grow products, wonderful products, better, better yields, better quality, our farmers are fighting for their economic life. World markets have not been opened because of inappropriate public policies.

Mr. Speaker, public land, America owns a third of our land; and when we have Federal public policy changes, it impacts rural America, not urban-suburban America. It impacts rural America, because that is the land we own. We are a country rich in natural resources, and many people claim that our strength and our great past was because we had those natural resources.

Have we had appropriate policies for energy, for mining that allowed us to enjoy the fruit of what was here? Many think not.

Defense, the number one issue in the Federal Government, would it be strong under a Gore administration? Rural education, as we have the debate now going on education, how has rural America fared? Most rural districts receive 1 percent to 2 percent of their money from the Federal Government when the Federal Government's claiming that they are funding 7 percent.

The complicated urban-type formulas are stacked against rural America in many people's opinions. Rural health care fighting for its economic life, rural hospitals fighting to stay open. Rural America sometimes gets paid half as much under the current policies and formulas devised by HCFA that has been managed by the Gore-Clinton administration.

Timber, good forestry, a country rich in soft woods in the West and hard woods in the East, we are now importing, I am told, about half of our soft woods. Because of policies similar to oil we are now importing 60 percent from foreign countries.

Endangered Species Act needing to be changed, positively, to save endangered species; but it has been used by radical groups to push their will on the American citizens and supported by the Gore-Clinton administration.

Regulatory process, something Americans do not think enough about, because, in my view, an overzealous bureaucracy that regulates you, they are regulating instead of legislating. When we legislate, we debate. We debate the facts. We make decisions. We cast votes, but when the regulators have too much power, and I think everyone agrees that the Clinton-Gore administration has been far too zealous in their regulatory powers. The courts have been turning over many of their regulations.

So as we go through these issues and a few others tonight, the first person I want to call on is my good friend, the gentleman from Oklahoma (Mr. WATKINS), of the third district who is interested in agriculture in Oklahoman agriculture and energy, and how it affects Oklahoma and how it affects rural America.

Mr. WATKINS. First, let me thank my colleague from Pennsylvania (Mr. PETERSON) for his concern and for his time tonight for us to talk about some of this inappropriateness and lack of action by this Gore-Clinton administration.

Mr. Speaker, I would like first for my colleagues to know that I stand tonight not for political reasons, but because of an emotional concern, a lifelong emotional concern about small towns and rural areas of this country, yes, our farms and our agriculture interests also throughout this Nation.

Let me share with my colleagues, I loved agriculture to the point in small town rural America, but even to the point that I majored in agriculture when I went off to college, I got a couple of degrees in agriculture, so I stand

with this emotional concern not just political concern.

Back when I served as State president of the Oklahoma Future Farmers of America, I would stand and I shared 16 percent of our people were in production of agriculture in the United States. 4 years later, when I received the Outstanding Agriculture Student Award at Oklahoma State University, I stood up and said there is only 12½ percent of us in the production of agriculture in the United States.

Tonight as I stand before my colleagues, I say there is only 1.5 percent of people in the production of agriculture; that is the erosion that has taken place in rural America. There is no other way I can paint the picture any better.

Not too long ago, earlier this year, I was invited to speak on agriculture before the Farm Credit Association in Oklahoma. They wanted to know the title of my speech. I usually do not have a title, but I said if you need to have a title, you can state it is ''American Agriculture changing from the PTO to the WTO.''

Now, PTO stands for the power takeoff on the tractors which allowed us to get bigger farms and bigger units and allowed us to produce the food and fiber for this country. We can produce. Our big problem is being able to sell and now we have the World Trade Organization that we must be able to market through, 135 countries around this world; and we cannot forfeit those markets.

Let me share with my colleagues something on an inappropriate activity that took place in the Uruguay Rounds back in 1993 under this administration's United States trade representative. At the Uruguay Rounds, they basically had resolved all of the various disagreements in trade, and it came down to agriculture and they could not agree on settling their difference in agriculture. They established a peace clause. Now that sounds good, a peace clause. However, what did it do?

Actually, the peace clause of the Uruguay Rounds, the GATT talks, established and grandfathered in over $7 billion of subsidies for the European Union. We only have about $100 million, and there is a lot of differences in $100 million and $7 billion of subsidies which allows the European Union to grab our markets, preventing us from being able to sell around the world in many cases. I can go on and on and talk about agriculture, but I had to make that point.

But I stand with a sadness tonight, because I see what is happening is just pure politics concerning the energy industry. The Vice President attacks the fossil fuel industry; but I would like to point out to the American people and to my colleagues, he has no alternatives, he has no other options, except to attack, that would endanger us even more.

One of our colleagues earlier from Florida stated the fact that we now import about 56 percent of our energy from oil from foreign sources compared to that or less than 40 percent back there in the oil barrel embargo. We are becoming more dependent.

Let me say, I submit to my colleagues, I submit to the American people that today we are more dependent than we ever have been at a time when we think we are independent. We are more dependent on a viable source of oil supply for this country, and the fact remains under the 8 years of the Gore-Clinton administration, they have not developed a national energy policy for the protection of this country.

We have not moved forward to try to make sure we secure the energy and develop the energy for this Nation, the fossil fuel, as well as the renewable energy. We still have today more fossil fuel reserves in the ground than we have mined or drilled and taken from the ground. It is a matter of us having a policy that will allow us to move forward.

So the people of this Nation need to know our national security is at stake. Yes, we have a volatile energy policy it appears, to say the least, when it goes from $20 down to $8 which not only disturbed the energy patch. It literally took nearly 100,000 of employees out of the rural areas of this country that were producing the energy for our Nation.

It is hurting the consumers. I have suggested that we reached out in a bipartisan way and we come together and we develop a national energy policy that would stabilize fuel prices in an amount we can all work with and live with and let us produce the Nation's needed energy. To do no less is making us subject to blackmail. We have seen this go overseas to OPEC and get on bended knee and beg, that is un-American.

Let me say it hurts not only the consumers in the urban centers of this country, but devastates rural America.

I hope and I pray that we will move forward, and I hope and pray that we do quickly because the future of our children and our grandchildren are at stake and the future of our country is at stake.

I say to the gentleman from Pennsylvania (Mr. PETERSON), I think the gentleman is lifting an issue of rural America and the lack of support, the lack of effort being made in the energy and agriculture and other areas that our people of this Nation need to know that under 8 years of the Gore-Clinton administration they have done nothing, zilch, zero in trying to move us towards some kind of independence in the field of energy.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. WATKINS).

I am not minimizing the importance of agriculture, because it is vital, what do we do in rural America. We farm. We mine. We drill for oil. We cut timber. We manufacture, all under attack, in my view, through the regulatory process of this administration. And it is where rural jobs come from, and it is why urban areas are becoming crowded and rural America is becoming more sparsely populated, because the jobs have been forced out of rural America.

We have become as a country dependent on the rest of the world instead of strong and independent because of our own natural resources.

Mr. Speaker, next I will yield to the gentleman from Nevada (Mr. GIBBONS), who is going to talk about mining and the interest he feels passionately about.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. PETERSON), my colleague and good friend, for inviting me to join him in this dialogue this evening and on a very important issue about the future of rural America and its importance to this great country.

As the gentleman has just said, our rural economies and our rural areas are so valuable to the natural resources of this Nation. Mining, of course, like the gentleman before us from Oklahoma (Mr. WATKINS), who spoke about the oil industry and the fact that we are becoming so dependent upon industries outside of the borders of this country for our economy and for our well-being and for the quality of life that we have. Mining also fits into that very same category.

Mining is endangered at this very point, because of the policies of this administration and as well as I can imagine under any type of administration from a Gore administration would be as well.

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How are they doing that? They are taking the control of the public lands upon which most mining occurs. They are regulating through the administration these businesses out of business. Secondly, they are taking away the utility of our natural resources and our ability to produce them and keep the economy of this great country going.

In doing so, what their ultimate choice is is to endanger both the economy and the national security of this great Nation.

Let us look at how they control vast areas of this country. As the gentleman has said, approximately 800,000 square miles of the United States, the western part of the United States, a size equal to most of the leading industrialized world combined, including Japan, Germany, Great Britain, France, and Italy, plus Ireland, and Denmark, Switzerland, the Netherlands, Belgium, as well as a few Luxumbourgs thrown in for good measure, 815,000 square miles of public land is regulated by the administration.

Upon those lands are where we gain much of our natural resources, including mining. Mining is indeed part of our everyday lives, and as we know, most individuals, every man, woman, and child in this great country consumes about 44,000 pounds of mined

materials in one form or another every year. That is 44,000 pounds of mined materials, whether it is coal, fuel, the electricity plant that generates the energy for our daily living, or whether it is metal mined for a vehicle to drive us to and from work, that we use in our jobs, or even the jewelry that we wear is part of our everyday life.

And especially when we start thinking about medical apparati, medical technology, the mining industry has indeed provided us with the quality of health care that we have today that is indeed pushing out new frontiers and keeping America alive, making our own lives longer, and giving us a better quality of life due to mining.

Well, with that 815,000 square miles, and this administration seemingly hell-bent on acquiring more land and using administrative procedures to push the public off the public land to push mining companies off of land and force them overseas, we are growing into a new dependence, for all the strategic minerals and metals that we need for our armed forces and for everyday living, on countries where they can go mine and have the opportunity to do so. Therefore, like oil, we are soon to become dependent for these metals and materials.

We are left with two very critical choices. Mr. Speaker, we are left with a choice of whether we develop our own resources and keep our children, our sons and daughters, home, or do we go ahead and allow for mining activity to move overseas at the insistence of the Gore administration, and following up by sending our sons and our daughters over there to defend the national security when those vital critical elements to our economy are cut off at some point? So we have those very delicate balancing choices we need to make.

I am really concerned about what this administration is doing through the United Nations as well. I heard recently that many of the leaders of the United Nations have tried to enlist 25 specified international agreements to establish a legal framework of international governance, a body of binding rules that would also affect how we operate in this country and make it even more difficult for mining to succeed.

Such conventions and protocols are the primary interest of environmental programs which have been on a campaign to make new world environmental organizations the deciding factor in what we do at home.

Let me say just one quick analogy here. If resources were the measure of a country's wealth, the United States would not be the number one economy in the world, Russia would be. Russia has more oil, gas, more timber, more mined minerals than any other Nation. But because Russia could not develop those natural resources, because Russia had to depend upon outside sources, Russia is not the number one economy in this world, the United States is, because the United States learned long ago how to develop its own natural resources, whether it is timber, whether it is mining, whether it is farming and agriculture, developing the land and making those resources work for us.

I am interested in what these candidates stand for and how an administration is going to critically hurt our rural America. I looked at the vice president's book, Earth in the Balance. The vice president himself argued that some new arm of the U.N. should be empowered to act on environmental concerns in the fashion of a Security Council, and in other matters. There should be global constraints and legally valid penalties for noncompliance.

Well, most mining companies today have a very strong, very hard dependent environmental quality that they use in their operations every day around this world. I will be the first to admit that there are some historically bad practices out there in the past that have given mining a bad image, but today's practice is environmentally sound. We have most mining companies, they are shareholder-owned, citizen-owned. They have a responsibility to their shareholders, a fiduciary responsibility, and they are going to keep our country and our resources in this world I think used with the highest priority and safety, environmental safety, that we have.

Let me also say that the administration under Vice President Gore has proposed a new tax on the mining industry, a tax that amounts to a royalty on mined minerals that would amount to about $200 million a year over a 10-year period. That is a $2 billion new tax. At a time when our government is flush with surplus tax revenues, they want a $2 billion tax increase.

Do Members know what they plan to do with that money? I think they plan to acquire more public land, kicking the public off.

Nevada is one of those States where I think it has the highest percentage of land in its borders that is managed and owned by the Federal government, at about 89 percent. That leaves us with about 11 percent for our real estate tax base developed property. It takes away a lot of the area that mines could go and work with private individuals.

So buying up more land only excludes the public from this land. It excludes our mining industries, again forcing them overseas, so buying up that land is not in the best interests of rural America. It puts people out of jobs. It puts communities on the brink of disaster and failure and financial bankruptcy. All of this makes those rural communities become more and more dependent upon urban communities for their support. I am sure America does not want that.

I am also worried that the next president must understand mining, and our president must make great strides in becoming a responsible steward of the land. He must understand that mining is a responsible steward of the land. I would hope that he understands that mining is as important to our urban communities as mining is to our rural communities, not just for the jobs but for the direct result of what they produce and put out for consumption to the American public.

We need an administration that will invite all interested parties to the table. When it comes to establishing public policy, this administration has not. It has relied solely on extremist environmental groups to make those decisions. They have dictated mining out of existence.

It is not my nature to stand here and join with my colleague and be so political, but I believe this election is going to be particularly important to America. It is going to be particularly important to rural America. It is going to be pivotal to the future of this country. It will be pivotal to determining the future of mining.

Because there is an old saying: Mining works for Nevada, but if it works for the rest of the Nation as well, then it is a good product. It is a good organization. It is a good industry to have.

There is one final saying that I want to leave my colleagues with here today about mining. That is, in mining, you have to remember that if it isn't grown, it has to be mined.

I want to thank my colleague, the gentleman from Pennsylvania, for allowing me to stand here and give a little bit of introduction on the value of mining. I just want everybody to remember the 44,000 pounds we each consume every year of mined minerals. It is critical to the future of this country and to the quality of life each and every one of us have.

I thank the gentleman for allowing me to be here.

Mr. PETERSON of Pennsylvania. If we are not mining it from our own lands, we will be buying it from some foreign country.

Mr. GIBBONS. If the gentleman will continue to yield, as the gentleman says, our oil right now, we are 60 percent dependent upon international deliveries of oil. When we reach the point where mining is overseas and our metals and strategic metals are now produced overseas, we will then become dependent upon those countries, as well, and we will end up making the choice, do we send our sons and daughters over there to defend the vital national interests of those strategic minerals to the United States?

Mr. PETERSON of Pennsylvania. I thank the gentleman. Most of us tonight that will be speaking have large rural districts, some of the West but some from the East. I have the largest district east of the Mississippi in Pennsylvania, but our next speaker, Mr. SHERWOOD, who joined us in 1998, 2 short years ago, comes from a district almost as large as mine, a gentleman who was a very successful businessman and had not served in government per se except for the school board, local government; I should not say except for local government. That is the most

important government we have, local government.

He served very well there, has been a very successful businessman, and has transitioned into a very successful Congressman. He brings so much knowledge and experience of the community with him.

Mr. Speaker, I yield to my friend, the gentleman from the eastern part of Pennsylvania (Mr. SHERWOOD), who will share with us the perspective of his rural district.

Mr. SHERWOOD. Mr. Speaker, I thank the gentleman for yielding me.

Mr. Speaker, I ran for Congress because it had been my observation that in northeastern and north central Pennsylvania, we exported our milk and our stone and our timber and our manufactured goods, but we had also for a couple generations been exporting our children.

The reason we exported our children is they would grow up in these good families and get an education and go somewhere else to find a job, because we did not have enough good jobs at home. I have worked very hard to get more good jobs in northeastern Pennsylvania. We have been pretty successful at that. But the first rule if we want a good economy in our own districts is to protect the jobs we have.

What do we historically do in the country? When I was a young man growing up in Nicholson, we had three feed mills, or excuse me, five feed mills, two car dealerships, three creameries. If we go through that town today, there are not any of those.

Why did that happen? That happened because we lost our agricultural base. In the country, there are a few things we do for a living. We farm, we timber, we quarry stone. Those are all very important revenue producers and sources of employment and sources of good, stable family life in my district.

I am concerned that we have policies in this country that are making those industries less and less viable. I am concerned that we are looking at an election coming up right away for president where one of the candidates does not believe in any of those industries, does not really seem to believe in a rural way of life.

We talk about the environment and we talk about rural jobs and resource jobs as if they were exclusive. With a well-run country, they are not mutually exclusive. We can have a good economy and a pristine environment if we continue to manage it carefully.

In Pennsylvania, we have the sustainable forestry initiative. We have the Chesapeake Bay initiative. Both are programs that have taught our forest industry people when they can timber, when they can't timber, when they have to be worried about degrading the water supply. They have taught our farmers nutrient management, and that everything we do runs downhill and eventually ends up in the Chesapeake.

We have learned a lot in the last 20 years. We have learned a lot about how we are good stewards of our environment and the people that are downstream.

Yet, we have an EPA now that wants to make all farming operations point source polluters, all forestry operations point source polluters, when these two issues have been very capably dealt with by our Pennsylvania DCNR.

That would be an unprecedented power grab by the EPA that would federalize all these small business practices, all these landowners that are farming on their land or harvesting their timber. It would be an unnecessary escalation of the authority of the Federal government, and it would be very cumbersome, very hard to manage.

So that is why I am concerned, as some of my colleagues are concerned, about the direction the country might take when we have our election in November.

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We need a rural economy that stays strong. We need to protect those jobs, protect those families, protect the small towns that live off the forest products industry, the mining industry, and agriculture. We need sustainable agriculture. We do not need it all concentrated in just a couple areas of the country.

If one has small dairy farms dispersed around the country, that is a very environmentally friendly way to raise our milk and our food and our fiber. When one has huge concentrations of animals in one area, one gets problems like we saw in the Tar River and the floods of a year ago.

So we want policies that will keep our farmers operating in the Northeast. To do that, we have to have a good energy policy. And we have to understand what we have to work with, that we need to work on our domestic supply, and that we have to understand the industry.

I am not afraid of the internal combustion engine, and neither is rural America.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman from the eastern part of Pennsylvania (Mr. SHERWOOD). Rural America does not go very far without it. We do not accomplish very much agriculture without it. So I thank the gentleman from the eastern part of the State.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WELDON), another Pennsylvanian, to share with us something that he shared with me earlier tonight that a large number of our Armed Forces of our recruits come from rural America. He is going to talk about rural America's concern about our defense.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for this special order on rural America. Let me talk briefly about two categories of our defense. The first is our domestic defense. Our domestic defense relies on the 32,000 organized departments that are in every rural town in America. In fact, as my colleague knows, Pennsylvania has 2,600 of these rural fire and EMS departments. They are in every small town in every county in this Nation, in Montana, in Idaho, in Alabama, in Arkansas, in Hawaii, in New York, California. They are there. And 1.2 million men and women, 32,000 departments, 85 percent of them are volunteers. In fact, they are the oldest volunteers in the history of the country, older than America itself.

Now, the important thing is, what has this administration done to these people who are serving America, who are responding to floods, tornadoes, earthquakes, hazmat incidents, and fires? Well, they have cut the only program for rural fire departments which has been authorized at about $20 million a year. This administration cut it last year to this year from $3.5 million to $2.5 million. What a disgrace. The President sneezes and spends more than $2.5 million a year. Yet, this administration has done nothing for rural fire departments.

Now, why should they? Well, these people lose 100 of their colleagues every year that are killed. Name me one other volunteer group from America where 100 of their members are killed in the line of duty. They have ordinary jobs, but they are killed protecting their towns and their communities.

But this administration, they claim they are for volunteers. We saw them develop the AmeriCorps program. Is that not amazing, a $500 million program supposedly designed to help create volunteers. But guess what, the volunteer fire service cannot apply because it is not politically correct to fight fires and respond to disasters. So here we have an administration that is so insensitive to our domestic defenders that they created a half-a-billion-dollar program, giving scholarships, incentives for people to volunteer, but they cannot volunteer in their communities, especially the rural communities where they so desperately need people to man those trucks and their ambulances. This administration just does not get it.

Now, Harris Wofford, the head of that program, just called me today, and they now want to do something after the program has been in existence for about 6 years because they realize how insensitive they have been.

The gentleman from Pennsylvania (Mr. PETERSON) talked about our international defenders, our military. He is right. The gentleman from Pennsylvania is often right, and he is right. The bulk of our military personnel are from the farms. They are from rural America. They are patriotic. They are dedicated. They will go any place that America sends them, and they will perform any task.

But do my colleagues know something? Look at what has happened to them. We have had three simultaneous things occur under this administration:

the largest decrease in defense spending, the largest increase in the use of our military around the world, and the absolute ignorance when it comes to arms control and the proliferation that has been occurring by China and Russia to rogue states, which further harms our Americans.

In fact, it was rural Pennsylvanians, 15 of them that came home in body bags in 1992 because this administration and other administrations had not done enough to build missile defense systems to stop that Scud missile when it hit the barracks in Saudi Arabia.

This administration has not done well by our military. The best evidence of that is our retention rate right now for pilots in the Air Force and the Navy is 15 percent. People are getting out because they are fed up with all of these deployments.

None of the Services over the past 3 years have been able to meet their recruitment quotas except for the Marine Corps because young people are saying, I do not want to join. Those farmers are saying, in the past, we have gone in the military, but I am fed up now because you are sending me from one deployment to the other.

Our once proud Navy which went from 585 ships to 317 ships now have to take people off of one aircraft carrier and move them to another, and they are still 600 sailors short on every aircraft carrier deployed in harm's way today.

What this administration has done to our military and has done to those brave Americans, many and oftentimes most of whom are from our rural areas, is absolutely outrageous. In fact, I think it is going to go down in history, the past 8 years, as our worst period of time in our history in undermining America's security.

If we look at the history records of World War II, the Vietnam War, World War I, the conflict Desert Storm, our volunteers from the heartland of America are always the first to come and volunteer for this country. But, again, we have not done well by them.

Those veterans out there across America have not been taken care of by this administration. This Congress had to fight to give our veterans and our military personnel cost of living increases because this administration thought it was more important to give an IRS agent an increase in their cost of living than they did to men and women who were serving and our veterans who have served.

We have got to change that. We need a President that will lead a Congress in proud support of our international defenders and in proud support of our domestic defenders. AL GORE just does not cut that.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield to the gentleman from California (Mr. RADANOVICH) who is going to talk about the war on the West.

Mr. RADANOVICH. Mr. Speaker, I thank very much the gentleman from Pennsylvania (Mr. PETERSON) noting that I will be talking about the ''War on the West''. I just want to make sure he knows I define the West as anything west of the East Coast.

So I appreciate this time to be able to talk on this subject, mainly about rural America and I think this administration's assault on rural America. While the ''War on the West'' might be a tired slogan, it is not nearly as tired as the people who continue to fight their own government to preserve their way of life.

As President Clinton's reign over western lands draws to a close, the war has been renewed with fresh vigor. New regulations sprout like kudzu, an unstoppable creeping vine, it strangles the jobs and life out of many western and rural communities.

During the past 8 years, the Federal Government has been a tough opponent. Few small businesses and landowners can withstand the due diligence of government lawyers who have unlimited funds and unlimited time.

For the victims, bureaucratic time is like Chinese water torture, slowly eroding the small business owner's ability to meet payroll and pay the bills. The waiting game is the government's most powerful weapon against individuals.

Delays and uncertainty can destroy any small business. But it is only in the West and in rural America where the Federal Government controls over half of the land, where our economy is dependent on natural resources, that a little bureaucratic red tape puts entire counties out of work.

Ask somebody who comes from rural Oregon or ask somebody who comes from rural California.

An example, in 1997, the Bureau of Land Management decided to carry out environmental assessments on every single grazing permit renewal. These can be very time consuming and expensive. It was a choice only a bureaucrat with government time and money would make.

Over 5,000 permits expired in 1999, nearly a fourth of the total number. Everybody knew that the BLM lacked the manpower to complete all the reviews in time. The ranchers faced enormous uncertainty, they feared they would have no place to put their cows and no extra feed available.

The Clinton-Gore administration showed all the concern that we would expect from Federal agents. They did not show much concern about the ranchers without permits who would go out of business. Maybe, Mr. Speaker, that was the point.

It took Congress to step in and temporarily renew the permits until the environmental reviews were completed. That move was labeled as an antienvironmental rider that ''offered a perverse incentive for the BLM to delay environmental analysis.''

One thing people do not get is that when one puts ranchers out of business, they sell the ranch. The people who work there lose their jobs. The suppliers in the town lose their jobs. The people who buy the ranch, they build subdivisions.

This destruction of America's rural jobs is the unavoidable side effect of the Clinton-Gore public land policies. Politics has driven their systemic effort to demonize people who live on the land. They equate producers with destroyers.

They claim to save nature from man, and in the process, they gain political favor in the cities where people do not understand our rural culture, nor do they understand environmental stewardship.

Another example, President Clinton's Northwest Forest Plan virtually eliminated timber harvesting from almost 21 acres of forests in Washington and Oregon. Since 1990, almost 20,000 forests and mill workers in those two States have lost their jobs.

It is estimated that those industries supported another 40,000 to 60,000 service jobs. This all happened in small communities where unemployment is already over 15 percent.

This pattern has been repeated across the West. Thousands of mining, trucking and refining jobs have been lost by preventing the expansion or opening of new mines. The government has starved and destroyed countless small oil and gas producers and drillers by delaying regulatory permits.

The Clinton administration is now taking the final step by restricting recreational access as to Federal lands, a move that will erode the very tourism jobs they promised would sustain rural America after they eliminated the resource jobs.

What is most disturbing is that these unfortunate rural victims seem to be expendable casualties in the game of Presidential politics.

The chairman of the Democratic Congressional Campaign Committee, the gentleman from Rhode Island (Mr. KENNEDY) recently said that Democrats have basically written off the rural areas. That statement alone sheds light on the rural cleansing machine at work.

In 1996, the year of the Clinton-Gore reelection campaign, President Clinton designated 1.8 million-acre of Grand Staircase Escalante Monument in Utah. Initially, the Presidential advisor Katie McGinty, chairman of Council on Environmental Quality, expressed concern about abusing the Antiquities Act and stated that these lands are not really endangered.

But she later changed her position, apparently convinced of the political value in making such a designation. The process was pushed forward in spite of statewide outrage, and the Nation lost access to 62 billion tons of clean coal, 3 to 5 billion barrels of oil and 2 to 4 trillion cubic feet of clean-burning natural gas. The children of Utah lost billions of dollars in future royalties to pay for their schools.

Fast forward to the year 2000. In this Presidential election year, President

Clinton has named 10 new national monuments to the delight of hundreds of important urban activists.

One of the most recent, the Sequoia National Monument, was in my California congressional district. In spite of an existing ban on logging within the sequoia groves, and in spite of scientific recommendations that logging provides critical fire control around the groves, the administration decided to clear 330,000 acres off limits to anybody.

They immediately put 220 people in Dinuba, California out of work. This tragic result has been compounded by the fact that these families not only lost their primary income, but they also lost their employer-provided health insurance.

Possibly the worst effect of the Sequoia Monument, however, is that it has left the Sequoia Monument in the same position as the Bandelier Monument in Los Alamos, New Mexico. There is a virtual timber box of a forest, and prescribed burns are now the only way to control it. Just this year, 75,000 acres burned right next door in the Manter Fire.

So today, at the end of the Clinton administration's sovereignty over western lands, we find we are still fighting a war on the West.

City folk might be tired of hearing about this, but, Mr. Speaker, believe me, the people in rural America are exhausted after 8 years of living with it.

I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding me this time and also for bringing up this most important issue to my constituents and I think for the country; and that is this administration's attack on rural life in America.

Mr. PETERSON of Pennsylvania. Mr. Speaker, it is hard to hear any speech given that they do not talk about urban sprawl today. But one of the greatest causes of urban sprawl has been the slow methodical destruction of rural America. The economies, whether it is agriculture, whether it is mining, whether it is timbering, whether it is manufacturing, all those things we do in rural America, as they have been squeezed, and they have been, and made more difficult to accomplish, young people leave, move to the urban areas, and we have urban sprawl. Yet, in rural America, the quality of life is unparalleled, but it is not a quality of life if one cannot have an income.

□ 2045

So next I am going to call on my other friend from California who is going to talk about the fires, another failed policy of this administration.

Mr. HERGER. Mr. Speaker, I thank my good friend, the gentleman from Pennsylvania (Mr. PETERSON), for leading us in this special hour today talking about the challenges that we have in rural America, and particularly the challenges that have been brought about and magnified because of, regrettably, some of the misguided policies of the Clinton-Gore administration.

Let me begin by just giving a little background on the district that I am blessed and honored to represent in northeastern California. It is some 36,000 square miles, almost 20 percent of the land area of the State of California on the Nevada-Oregon border, just directly north of Lake Tahoe; north of Sacramento. There are some parts or all of 11 national forests within this area: Mount Shasta, Mount Lassen, the Trinity Alps. Again, some of the most beautiful mountain terrain and beautiful forests anyplace in the world are located in this area that I represent. Yet we see a tragedy taking place, a tragedy that began taking place because, I am afraid, of an ignorance within the United States, and certainly with this administration, on what is happening in our national forests.

For example, about the turn of the century and beginning in a major way around 1930, we began eliminating forest fires from our western forests. And of course our forests in the West are very different than those on the East Coast because it rains all summer long here. Fire is not something that people really understand that much on the East Coast. But on the West Coast we are basically a desert in the summertime. We have lightning strikes, and fire has historically been a natural phenomenon. It would be considered a positive phenomenon as well. But what happened, again in early 1900s, as people began living in these forest areas, they began preventing all forest fires. Then what happened is that our forests began to become much denser than they were historically.

As a matter of fact, the Forest Service has estimated that since 1928, our forests in the West are anywhere from two to four times denser than they were historically because, again, we have prevented the natural fires that would burn along and thin out the forests, burn out the smaller trees, and then we would have larger trees which would get larger. As a matter of fact, it was estimated that prior to the arrival of Europeans, there were approximately 25 large trees per acre in our forests. Today, we literally have hundreds of trees per acre.

Now, what happens today? Today, we see when we have a fire, either by lightning strike or accidental fire, we see what they call a catastrophic fire, where the fire begins in the brush area, it moves up and becomes what is referred to as a fire ladder, where it moves up into the smaller trees and then up into the very crowns of the big trees, which historically have lived for hundreds of years, and now we see the entire forest burn. We actually see where these fires get so hot, so intense, that the soil itself, the minerals within, are singed for two to three inches and nothing can grow for several years later. A catastrophic fire.

Now, what is the Clinton-Gore administration doing about it? Well, regrettably, not only are we not going in, as has been suggested by many, that we go in and begin thinning out our forests; that we begin removing this brush and thinning it out and restoring it more to its historic level so that we can again have the more normal restorative fires. By the way, the Native Americans, we know, would set fires. Again, it was a positive thing. But not today.

We have seen this year one of the worst fire seasons ever. The Government Accounting Office has estimated that there is some 39 million acres of national forest within the interior West that are at high risk of catastrophic fire. They also mention in this same report that it has been estimated that there is a window of only 10 to 25 years that is available for taking effective action before there is widespread, long-term damage from large-scale fires. That is a direct quote from the GAO report.

Again, what do we see happening? Nothing. We see nothing happening. This administration is following what some within the, regrettably, the extreme environmental community are dictating. For example, the Sierra Club came out 2 years ago in their public policy stating not a single tree should be removed from the Federal forest, not even a dead or dying tree. And, again, we see insect infestations. This is a normal thing to happen, and it is something that unless we go in and take out these diseased trees when it is first starting, we will see healthy trees and an entire forest destroyed. Not even a single tree, even if it is dead and dying, can be removed so as to remove this incredible catastrophic fire hazard, according to some within the extreme environmental community.

Regrettably, and the real tragedy is, that it seems very likely that were the Vice President, Mr. GORE, to become the President, he would continue this same policy that we have seen now for 7½ years into the next administration, the next 4 years; and we would see more trees burning.

How many trees have we seen burn? Well, last year some 5.6 million acres burned across the United States. This year it is already, as of the first of September, 6.8 million acres have burned. The cost of this has been $626 million that has been spent; not to restore our forests to their historic level, but just to fight these catastrophic fires.

And I might mention that the biggest fire was in New Mexico. And, guess what. The Federal Government set this fire itself. This is what they called ''a prescribed burn.'' Well, prescribed burn might have been great if we were a Native American back in the 1800s when there were only 25 trees per acre. But now, when we have a prescribed burn and we have these fire ladders, we can see what happens. Again, this was a tragedy in New Mexico, with hundreds of homes being burned and many hundreds of homes more threatening to be burned; people's lives being destroyed.

In my own district of Lewiston, a town last year, we had 120 homes burn. The entire community of Lewiston, it was in the national news for several weeks, was threatened to be burned. That was also a prescribed burn. Again, I want to mention that prescribed burns might be fine if we have gone in and restored these forests as they should, but not certainly as we see them today.

Is there something we can do? Yes. We passed legislation just this last year, legislation which I authored. I did not write it, but I authored it here. It was called the Quincy Library Plan. The reason it was called Quincy Library is because environmentalists and wood products people and elected officials and community leaders from within the community of Quincy in northern California, a small town of about 1,200, got together and they thought, well, the only place they would not yell at each other was in the library. So it was called the Quincy Library Plan. They came up with a plan using the latest scientific data, along with all the current laws, put it all together in a plan specific for their forest.

They came up with this plan, it was voted out of this House virtually unanimously, passed out of the Senate virtually unanimously, and the President signed it. This administration refuses to implement it. We have already been 1 year into it, and this plan has not been implemented. It was a 5-year pilot program, and they are eating up the time. This plan, by the way, does not cost taxpayers money. It brings in $3 of revenue for every $1 that is spent. Maybe this would help some of the 43 mills that were closed in my district alone in my 10 rural counties, not because we are short of trees, but because of Federal legislation that would not allow us to go in and thin out.

Again, there is a tragedy happening in our national forests and to our environment. No spotted owls can live where a catastrophic fire has taken place. We need to do something different. I am very pleased with Governor George W. Bush and his intent to work with us on this.

I thank the gentleman from Pennsylvania for yielding to me.

Mr. PETERSON of Pennsylvania. We have been joined, Mr. Speaker, by the majority leader, such a delight, and I would like to yield to him now.

Mr. ARMEY. Mr. Speaker, I thank the gentleman; and I see the he has more speakers, perhaps a wealth of speakers here, so I will not take but just a minute or two.

I want to thank the gentleman from Pennsylvania for taking this special order on a very important subject, and I would like to make three points that have come to me while I have listened to all of these speakers. The basic question we are asking here is how do we as a Nation preserve, utilize, conserve, and develop our resources to achieve the wealth of a Nation in the lives of our children. It seems to me it takes a balanced and informed relationship between real people, who naturally will love their land more than anybody could when they make their living off it and they live on it, and a government.

I have to say, Mr. Speaker, sometimes the government can do some downright silly things. Driving through Georgia just a week ago, looking at the beautiful landscape of Georgia, seeing the damage that was done by what I call the kudzu government. A lot of my colleagues may not be familiar with kudzu, but if they were to go to south, southeast America they will see kudzu. My colleagues who are uninformed might say, my goodness, that is pretty. But what is kudzu? Kudzu is something introduced in rural America, in the southeast, ostensibly to control soil erosion. And what it does is it grows over and smothers all the natural foliage of the region.

So if anyone has been fortunate enough to have been given kudzu, a gift from the government, and it has been in their neighborhood for very long, they know that it has killed everything, even what they wanted to keep. That is so like the government: comes and shows up and says, ''I am Mr. Kudzu, I am from the government, I am here to help you.'' And before we know it, they have smothered and destroyed everything that is dear to our native regions.

A look at mining reclamation. I wish everybody in America would go out to our great mining States and see what they are doing in mining in America today; to see how quickly they take the ore, the coal, out, extract it, clean up, replace and refill. It is not unusual to see the mine operating very productively, producing the minerals and the ores and the energy that we want, and within hundreds of feet we will see the natural wildlife of the region grazing on what had been, and is today again, the natural foliage of the region.

Once again, the government of the United States might have been helpful and encouraging in that. But today it says we are so extreme, as they did in the Grand Escalante, we will not allow the mining, we will not allow the reclamation. We will deny the Nation the resources.

One of the great philosophical questions of our lifetime is, If a tree falls in the forest and nobody is there, will anybody hear it? Well, if AL GORE becomes President, we might ask the greater question, and the one that has greater relevance to our life, If a tree falls in the forest, will anybody clear it? And we just heard a discourse on that.

There is a place in Idaho, in the district of the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), where you can stand and see that the environmental extremists allowed an experiment. They allowed somebody to do the natural, normal, sensible thing that we would all do as we cleaned up our own backyards and take the fallen trees, the underbrush, the fire hazard, and clear it. And there is a section right across the road where that was disallowed. The fire came, and it is not difficult to see where the fire's devastation ended. It ended where people did the sensible thing with their land and cleared the fallen trees and stopped the fire hazard.

□ 2100

There are many things that we can see in rural America in our wonderful countryside, resources, wealth, that should be unlocked from rigid, inflexible, dogmatic Government controls that are naive in their understanding, innocent of their awareness, and arbitrary in their implementation.

Let America be what America has been and has built itself from, a free Nation of real people making a living and living on their own land.

I think we should return to this subject again soon.

EXPANDING TECHNOLOGY IN RURAL AMERICA

The SPEAKER pro tempore (Mr. ISTOOK). Under a previous order of the House, the gentleman from Utah (Mr. CANNON) is recognized for 5 minutes.

Mr. CANNON. Mr. Speaker, I want to thank my friend and colleague the gentleman from Pennsylvania (Mr. PETERSON) for the opportunity to speak on his special order and for his effort in putting this together.

Tonight we have heard about many of the blessings that we get from rural America. We get timber and paper products. The gentleman from Pennsylvania spoke about that. We have oil and gas. The gentleman from Oklahoma spoke about that. We have minerals extraction. The gentleman from Nevada spoke about that. And the gentleman from Pennsylvania (Mr. SHERWOOD) spoke about exporting kids.

Also, the gentleman from Pennsylvania (Mr. WELDON) spoke about the number of children, the young people, from rural America who get involved in the military. So we have these great, great resources that we have been exporting.

But on the other hand, there now is a turnaround and we are getting more and more people back in or at least more and more people want to come back to rural America, and technology is allowing that to happen.

I would like to talk for just a couple minutes about technology and education in rural America and why that is so compelling and why that is going to change the nature of what we do in America so that people can go back to where they came from where they enjoy life, where they have clean air and they have beautiful scenery and they have good friends and where they can leave their cars unlocked when they go to church.

We have a number of things that are happening in technology that are happening at a breathtaking rate. And,

frankly, we do not see them. We have had so much change that these new developments are coming faster than we can really understand. But on the cutting edge of technology today, we have two or three different things that are going on.

In the first place, we have all seen the plummeting prices and the decrease in the size of computer equipment. That is going on at an increasing rate. And we are going to see a time within the next year or so when you can take a little small computer that has all the power of a major computer and it will operate off of radio frequency and it will do so at a very rapid rate, so that every kid in the world in the next 4 or 5 years is going to have the opportunity to be educated at a very high level.

I would like to think that in the next few years we will see a time when we will have advertisements instead of send $15 to feed a child for a month, we will see ads to send $15 to educate a child for a month and every child in the world will have the opportunity to get a post-doctoral education off the Internet. That is partly because of the devices that are coming onto the market.

In addition to those devices, we have this great new technology with radio frequency and the ability to communicate a signal sometimes through multiple repeaters, so that we should be able to take satellite signals and get those down to every child and every person on Earth; and that certainly includes everyone in rural America.

And finally, we are seeing terrific growth in the ability to compress data so that we can do much, much more with a smaller band width.

So, for instance, in my State of Utah, Emery County, a little rural county in the State of Utah, every person in that county, because of the foresight of the local telecommunications company, now has access to DSL broad band telecommunications. That DSL is going to be a big enough pipeline to do almost anything that anyone could imagine they would want to do. And that takes the jobs into rural Utah and raises the life-style there.

Now, I would just like to wrap up by talking about the difference in perspective here. We have a battle going on. It is a cultural war. We see that battle going on with the Boy Scouts of America and the attempt to revoke their charter. We see that battle in many other places. But the battle really comes down to a battle between urban America and rural America.

The Democrats have taken a very clear position. The Democratic Congressional Campaign Committee chairman, the gentleman from Rhode Island (Mr. KENNEDY), in referring to the 2000 elections, said on June 21, 1999, as reported in the Providence Journal, ''We have written off the rural areas.'' ''We have written off the rural areas.''

Now, the following day the minority leader said he did not mean to say that. He did not say he did not mean what he said. He said he did not mean to say that. Because that gave away the strategy of the Democratic party. And it was probably unthoughtful. But it has never been recanted, as far as I know, by any leader of the Democratic National party. No one has said, we are actually going to court the rural vote.

And in fact, everything they have done has been shown to be a movement away from rural. They tax rural people the same they do everywhere else, but they move the programs into the urban areas under the Democratic regime. That is not right.

There is a digital divide today and that digital divide can be healed and overcome between rural and urban America if we let the free market work. But if we tax everyone in America and move that money to the urban areas, then we lose the opportunity to bring back to the rural areas the basis for jobs and economic growth that make the rural part of America so great.

EDUCATION IS AT THE CENTER OF AMERICA'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Wisconsin (Mr. OBEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. OBEY. Mr. Speaker, before I proceed to the remarks that I had intended to make tonight, as a Member of this House who represents rural America, or at least a significantly rural district, I would simply note a few facts.

In 1979, the last year of the Carter administration, agriculture programs cost the taxpayer less than $4 billion in direct payments to farmers and prices paid to farmers at the marketplace were considerably higher than they are today.

This year, under Freedom to Farm, better known in rural America as freedom to fail at farming, which was rammed through this House by the Republican leadership a number of years ago, the cost to taxpayers has risen to well above $20 billion a year, almost 30 if we count all costs, and the prices paid to farmers have fallen through the floor.

I think most farmers, at least in my area, recognize that rural America cannot thrive unless family farmers get a decent price for their product and until the so-called Freedom to Farm Act is radically changed, rural America will continue to decay. Both parties need to face up to that fact. Major elements of my party have begun to. I wish I could say the same for major elements on the part of the other party.

But who knows, time may produce miracles. I hope that they will realize that they must undo what they did if farmers are to really have a decent shot at making a decent living through the marketplace.

Having said that, I would now like to turn to the subject that I wanted to talk about tonight, which is education. Because more than any other subject, education and what we do about it and what this entire country does about it lies at the center of the question of how well we will prepare for our country's future.

This is going to be a fairly dull speech. It will be filled with exactly what political consultants say we should not have in our speeches. It will be filled with numbers and facts. It will not be exciting. It is not meant to be. It is meant simply to state in a clear way who has tried to do what to education over the last 5 years.

We will undoubtedly hear in the Presidential debates tomorrow night; and we will have certainly seen across the Nation, Republican candidates giving speeches and running ads pretending to be friends of education. Those speeches fly in the face of the historical record of the past 6 years. That record demonstrates that education has been one of the central targets of House Republican efforts to cut Federal investments in programs essential for building America's future in order to provide large tax cuts that they have been promising their constituents for years.

Six years ago, in their drive to take control of the House of Representatives, the Republican leaders, then led by Newt Gingrich, produced the so-called Contract with America, which they claimed would balance the budget while at the same time making room for huge tax cuts.

They indicated that one of the ways that they would do so was by abolishing four departments. Eliminating the Department of Education was their new number one goal. They also wanted to eliminate the Departments of Energy, Commerce and HUD.

Immediately upon taking over the Congress in 1995, they proposed cuts below existing appropriations, not just below the President's request, but below previous appropriations in a rescission bill H.R. 1158. That bill passed the House on March 16, 1995, reducing Federal expenditures by nearly $12 billion.

Education programs accounted for only 1.6 percent of the Federal expenditures in fiscal year 1995. But they made up 14 percent of the spending reductions in the House Republican package. That package was adopted with all but six House Republicans voting in favor of cuts totaling $1.8 billion.

Next, H.R. 1883 was introduced, which called for ''eliminating the Department of Education and redefining Federal role in education.''

The legislation was cosponsored by more than half of all House Republicans, including as original cosponsors the gentleman from Illinois (Mr. HASTERT), the current Speaker; the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Texas (Mr. DELAY), the majority whip.

The desire to eliminate the Department of Education was stated explicitly in both the report that accompanied the Republican budget resolution passed by the House and in the conference report on the budget that accompanied the final product agreed to by both the House and Senate Republicans.

That conference report, a sized-up copy of which I have here, for House Concurrent Resolution 76, the fiscal year 1996 budget resolution, states flatly: ''In the area of education, the House assumes the termination of the Department of Education.''

That is what they voted for. The fiscal 1996 budget resolution not only proposed the adoption of legislation to terminate the Department organizationally, but it put in place a spending plan to eliminate funding for a major portion of the Department's activities and programs in hopes of partially achieving the goal of elimination even if the President refused to sign a formal termination for the Department.

The conference agreement adopted on June 29 proposed cuts in funding for Function 500, the area of the budget containing all Federal education programs, of $17.6 billion, or 30 percent below the amount needed to keep pace with inflation over the 6-year period starting in fiscal 1996.

The House passed resolution had proposed even larger cuts. Every House Republican but one voted for both the House resolution and the conference report.

Then the budget resolution established a framework for passage of the 13 appropriations bills. The Labor, HHS education appropriation bill, which contained the vast majority of funds that go to local school districts, was the hardest hit by that resolution.

□ 2115

The fiscal 1996 appropriations bill for Labor, Health and Education was adopted by the House on August 4 of 1995. It slashed funding from the $25 billion level that had been originally approved for the Department in fiscal 1995 to $20.8 billion for the coming year. That $4.2 billion, or 17 percent cut below the prior year's levels, was even larger when inflation was considered and was passed in the face of information indicating that total school enrollment in the United States was increasing by about three-quarters of a million students a year.

The programs affected by those cuts included: title I for disadvantaged children, reduced by $1.1 billion below the prior year; teacher training reduced by $251 million; vocational education reduced by $273 million; safe and drug-free schools cut by $241 million; and Goals 2000 to raise student performance reduced by $361 million. Republicans in this House voted in favor of that bill 213–18. The bill was opposed by virtually every national organization representing parents, teachers, school administrators, and local school boards.

The Republican leadership of the House was so determined to force the President to sign the legislation and other similar appropriations that they were willing to see the government shut down twice to, in the words of one Republican leader, ''force the President to his knees.'' Speaker Gingrich said, ''On October 1 if we don't appropriate, there is no money. You can veto whatever you want to but as of October 1, there is no government. We're going to go over the liberal Democratic part of the government and say to them, we could last 60 days, 90 days, 120 days, 5 years, a century. There's a lot of stuff we don't care if it's ever funded.''

It is clear that the Labor, Health and Education bill and the education funding in particular in that bill was at the heart of the controversy that resulted in those government shutdowns. Cutting education was an issue that Republicans felt so strongly about that they literally were willing to see the government shut down in an attempt to achieve this goal. Speaker Gingrich said, ''I don't care what the price is, I don't care if we have no executive offices and no bonds for 60 days, not this time.''

House Republican whip Mr. DeLay said, ''We are going to fund only those programs we want to fund. We're in charge. We don't have to negotiate with the Senate. We don't have to negotiate with the Democrats.''

When the government shut down, the public reacted strongly against the Republican House leadership's hardheadedness and that led to the eventual signing of the conference agreement on Labor, Health and Education funding as part of an omnibus appropriations package on April 26, 1996, more than halfway through the fiscal year. That action came after nine continuing resolutions and those two government shutdowns. That agreement restored about half of the cuts below prior year's funding that had been pushed through by the Republican majority, raising the original House Republican figure of $20.8 billion for education to $22.8 billion.

So on that occasion, as you can see, pressure from the Democratic side of the aisle forced restoration of about $2 billion in education spending.

Later in 1996, the Republican House caucus organized another attempt to cut education funding below prior year's levels in the fiscal 1997 Labor-Health-Education bill. On July 12, 1996, the House adopted the bill with the Republicans voting 209–22 in favor of passage. Incidentally, I will not read it into the record at this point but my submitted remarks will cite all of the rollcalls, dates and pages if anyone wants to check them. The bill cut education by $54 million below the levels agreed to for fiscal 1996 and $2.8 billion below the President's request. During the debate on that bill, Republicans also voted 227–2 to kill an amendment specifically aimed at restoring $1.2 billion in education funding.

As the fall and election of 1996 began to approach, the Republican commitment to cut education began to be overshadowed by their desire to adjourn Congress and go home to campaign. As a result, the President and Democrats in Congress forced them to accept an education package that was more than $3.6 billion above House-passed levels.

1997 brought a 1-year respite from Republican efforts to squeeze education. For 1 year a welcomed bipartisan approach was followed and the appropriation that passed the House and the final conference agreement were extremely close to the amounts requested by the President and the Department of Education.

Conflict between the two parties over education funding erupted again in 1998 when the President requested $31.2 billion for the Department for fiscal 1999. In July, the House Appropriations Committee reported on a party line vote a Labor-Health-Education bill that cut the President's education budget by more than $600 million; but the bill remained in legislative limbo after the beginning of the next fiscal year. Then on October 2, 1998, the Republicans voted with only six dissenting votes to bring the bill to the floor. The leadership then reversed itself on its desire to call up the bill and refused to bring it to the floor. The House Republican leadership finally grudgingly agreed to negotiate higher levels for education so they could return home and campaign. The White House and the Democrats in Congress had been able to force them to accept a funding level for education that was $2.6 billion above their original House bill.

Last year, in 1999, the House Republican leaders again directed their appropriators to report a Labor-Health-Education appropriation bill that cut education spending below the President's request and below the level of the prior year. The fiscal 2000 bill reported to the Committee on Appropriations on a straight party line vote funded education programs at nearly $200 million below the 1999 level. The bill was almost $1.4 billion below the President's request.

Included in the cuts below requested levels were reductions in title I grants to local school districts for education of disadvantaged students, $264 million below; after-school programs were taken $300 million below the President's request; education reform and accountability efforts, $491 million below; and improvement of education technology resources, $301 million below. Because inadequate funding threatened their ability to pass the bill, House Republican leaders never brought it to the House floor. After weeks of pressure from House Democrats, they ordered a separate bill that had been agreed to with Senate Republican leaders to be brought to the House floor. That bill contained significantly more education funding than

the original House bill but still cut the President's request for class size reduction by $200 million, after-school programs cut by $300 million, title I by almost $200 million, and teacher quality programs by $35 million.

The bill was opposed by the Committee for Education Funding which represents 97 national organizations interested in education, including parent and teacher groups, school boards and school administrators. It was adopted by a vote of 218–211 with House Republicans voting 214–7 in favor. After further negotiations, they agreed on November 18 to add nearly $700 million more, which we were requesting, to those education programs.

Now, this year. This year the President proposed a $4.5 billion increase for education programs in the fiscal 2001 budget. The bill reported by House Republicans cut the President's request by $2.9 billion. Cuts below the budget request included $400 million cut from title I, $400 million from after-school programs, $1 billion for improving teacher quality and $1.3 billion for repair of dilapidated school buildings. It was adopted by a vote of 217–214 with House Republicans voting 213–7 in favor. When the fiscal 2001 Labor, Health and Education bill was sent to conference, a motion to instruct the conferees to go to the higher Senate levels for education and other programs was offered. It also instructed conferees to permit language ensuring that funds provided for reduced class size and repairing school buildings was used for those purposes. It was defeated 207–212 with Republicans voting 208–4 in opposition.

In summary, and I will supply tables for the record, the record clearly shows that over the past 6 years, House Republicans set the elimination of the Department of Education as the primary goal. Failing that, they attempted to reduce education funding to the maximum extent possible. Failing that, they attempted to reduce education funding to the maximum extent possible. In every year since they have had control of the House, they have attempted to cut the President's request for education funding.

Appropriation bills passed by House Republicans would have cut a total of $14.6 billion from presidential requests for education funding. I repeat. Appropriation bills passed by House Republicans would have cut a total of $14.6 billion from presidential requests for education funding. In 3 of the 6 years that they have controlled the House, they have actually attempted to cut education funding below prior year levels despite steady increases in school enrollment, in the annual increase in cost to local school districts of providing quality classroom instruction.

Now, these education budget cuts have not been directed at Washington bureaucrats as some Republicans have tried to argue but mainly at programs that send money directly to local school districts to hire teachers and improve curriculum. Programs such as title I, after-school, safe and drug-free schools, class size reduction, educational technology assistance, all send well over 95 percent of their funds directly to local school districts. While zealots in the Republican conference drove much of this agenda, it is clear that they could not have succeeded without the repeated assistance from dozens of Republican moderates who attempt now to portray themselves as friends of education. They may have been in their hearts, but they were not when the votes came.

The one redeeming aspect of the Republican record on education over the last 6 years is that in most of those years, they failed to achieve the cuts that they spent most of the year fighting to impose. When a coalition between Democrats in Congress and in some cases members of the Republican Party in the Senate and Democrats in the Senate, when a coalition between them and the Democrats in this House and the President made it clear that the bills containing those cuts would be vetoed and that House Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican Members now to attempt to take credit for that fact is in effect bragging about their own political ineptitude.

The question that concerned Americans must ask is this: What will happen if the Republicans find a future opportunity to deliver on their 6-year agenda for education? They may eventually become more skillful in their efforts to cut education. They may at some point have a larger majority in one or both houses, or they may serve under a President who will be more amenable to their education agenda. All of those prospects should be very troubling to those who feel that local school districts cannot do the job that the country needs without greater assistance from the Federal Government.

Now, this is not an issue of local versus Federal control. Almost 93 percent of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of State and local governments. But there are national implications to failing schools in any part of the country. The Federal Government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. That is what the other 7 percent of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels, Federal, State and local; or we will not get the job done.

In summary, as the tables will show in the remarks that I am making tonight, the House Republican candidates now shout loudly that they can be trusted to support education, but their record over the last 6 years speaks louder than their words.

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The records show that in 3 of the last 6 years, House Republicans tried to cut education $5.5 billion below previous levels and $13 billion below Presidential requests, $14.5 billion if you count their first rescission effort in 1995. It shows that more than $15.6 billion that has been restored came only after Democrats in the Congress and in the White House demanded restoration.

That is the record that must be understood by those concerned about education's future, and that is the record that will be demonstrated by the three charts that I am inserting in the RECORD at this point.

THE HISTORY OF HOUSE REPUBLICAN EFFORTS TO ATTACK EDUCATION—1994 THROUGH 2000

Across the nation Republican Congressional Candidates are giving speeches and running ads pretending to be friends of education. Those speeches and ads fly in the face of the historical record of the past six years. That record demonstrates that education has been one of the central targets of House Republican efforts to cut federal investments in programs essential for building America's future in order to provide large tax cuts they have been promising their constituents.

Six years ago in their drive to take control of the House of Representatives, the Republican Leaders led by Newt Gingrich produced a so-called ''Contract with America'' which they claimed would balance the budget while at the same time making room for huge tax cuts. They indicated that one of the ways they would do so was by abolishing four departments of the federal government. Eliminating the U.S. Department of Education was their number one goal. They also wanted they said to eliminate the Departments of Energy, Commerce and HUD.

Immediately upon taking over the Congress in 1995 they proposed cuts below existing appropriations in a rescission bill, HR 1158. That bill passed the House on March 16, 1995 reducing federal expenditures by nearly $12 billion. Education programs accounted for $1.7 billion of the total. While the budget of the Department of Education totaled only 1.6% of federal expenditures in fiscal 1995, it contributed 14% to the spending reductions in the House Republican package. The package was adopted with all but six House Republicans voting in favor. (See Roll Call #251 for the 104th Congress, 1st session—Congressional Record, March 16, 1995, page H3302)

Next, legislation (HR 1883) was introduced which called for ''eliminating the Department of Education and redefining the federal role in education.'' The legislation was cosponsored by more than half of all House Republicans including as original cosponsors, current Speaker Dennis Hastert, Majority Leader Dick Armey, and Majority Whip Tom Delay. (See Attachment A)

The desire to eliminate the Department of Education was stated explicitly in both the Report that accompanied the Republican Budget Resolution passed by the House and in the Conference Report on the Budget that accompanied the final product agreed to by both House and Senate Republicans. The Conference Report for H. Con. Res. 76 (the FY 1996 Budget Resolution) states flatly, ''In the area of education, the House assumes the termination of the Department of Education.''

That FY96 Budget Resolution not only proposed the adoption of legislation to terminate the Department organizationally, but

put in place a spending plan to eliminate funding for a major portion of the Department's activities and programs in hopes of partially achieving the goal of elimination even if the President refused to sign a formal termination for the Department. The Conference Agreement adopted on June 29, 1995 proposed cuts in funding for Function 500, the area of the budget containing all federal education programs or $17.6 billion or 34% below the amount needed to keep even with inflation over the six-year period starting in Fiscal 1996. The House passed Resolution had proposed even larger cuts. Every House Republican except one voted for both the House Resolution and the Conference Report. (See Roll Calls #345 and 458 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, May 18, 1995, page H5309 and June 29, 1995, page H6594)

That Budget Resolution established a framework for passage of the 13 appropriation bills. The Labor-HHS-Education appropriations bill, which contains the vast majority of funds that go to local school districts, was the hardest hit by that resolution. The Fiscal 1996 appropriations bill for labor, health, and education was adopted by the House on August 4th 1995. It slashed funding from the $25 billion level that had been originally approved for the Department in fiscal 1995 to $20.8 billion for the coming year. This $4.2 billion or 17% cut below prior year levels was even larger when inflation was considered and was passed in the face of information indicating that total school enrollment in the United States was increasing by about three quarters of a million students a year. The programs affected by these cuts included Title I for disadvantaged children (reduced by $1.1 billion below the prior year,) teacher training, (reduced by $251 million,) vocational education (reduced by $273 million,) Safe and Drug Free Schools (reduced by $241,) and Goals 2000 to raise student performance (reduced by $361 million). Republicans voted in favor of the bill, 213 to 18. (See Roll Call #626 for the 104th Congress, 1st session—CONGRESSIONAL RECORD, August 4, 1995, page H8420) The bill was opposed by virtually every national organization representing parents, teachers, school administrators, and local school boards.

The Republican Leadership of the House was so determined to force the President to sign that legislation and other similar appropriations that they were willing to see the government shut down twice to, in the words of one Republican Leader, ''force the President to his knees.'' Speaker Gingrich said, ''On October 1, if we don't appropriate, there is no money. . . You can veto whatever you want to. But as of October 1, there is no government. . . We're going to go over the liberal Democratic part of the government and then say to them: 'We could last 60 days, 90 days, 120 days, five years, a century.' There's a lot of stuff we don't care if it's ever funded.'' (Rocky Mountain News, June 3, 1995) It is clear that the Labor-HHS-Education bill, and education funding in particular, was at the heart of the controversy that resulted in those government shutdowns. Cutting education was an issue that Republicans felt so strongly about that they literally were willing to see the government shut down in an attempt to achieve this goal. Speaker Gingrich said, ''I don't care what the price is. I don't care if we have no executive offices, and no bonds for 60 days—not this time.'' (Washington Post, September 22, 1995) House Republican Whip Tom DeLay said, ''We are going to fund only those programs we want to fund. . . We're in charge. We don't have to negotiate with the Senate; we don't have to negotiate with the Democrats.'' (Baltimore Sun, January 8, 1996)

When the government shut down, the public reacted strongly against Republican House Leadership hard-headedness and that led to the eventual signing of the Conference Agreement on Labor-HHS-Education funding as part of an omnibus appropriations package on April 26 of 1996, more than halfway through the fiscal year. That action came after 9 continuing resolutions and those two government shutdowns. That agreement restored about half of the cuts below prior year funding that had been pushed through by the Republican Majority, raising the original House Republican figure of $20.8 billion for education to $22.8 billion.

Later in 1996 the Republican House Caucus organized another attempt to cut education funding below prior year levels in the fiscal 1997 Labor-HHS-Education bill. On July 12, 1996 the House adopted the bill with Republicans voting 209 to 22 in favor or passage (See Roll Call #313, CONGRESSIONAL RECORD, July 11, 1996, page H7373.) The bill cut Education by $54 million below the levels agreed to for fiscal 1996 and $2.8 billion below the President's request. During the debate on that bill Republicans also voted (227–2) to kill an amendment specifically aimed at restoring $1.2 billion in education funding (See Roll Call #303, CONGESSIONAL RECORD, July 11, 1996, page H7330).

As the fall and election of 1996 began to approach, the Republican commitment to cut education began to be overshadowed by their desire to adjourn Congress and go home to campaign. As a result, the President and Democrats in Congress forced them to accept an education package that was more than $3.6 billion above House passed levels.

1997 brought a one-year respite from Republican efforts to squeeze education. For one year, a welcome bipartisan approach was followed and the appropriation that passed the House and the final conference agreement were extremely close to the amounts requested by the President and the Department of Education.

Conflict between the two parties over education funding erupted again in 1998 when the President requested $31.2 billion for the Department for fiscal 1999. In July, the House Appropriations Committee reported on a party line vote a Labor-HHS-Education bill that cut the President's education budget by more than $660 million. But the bill remained in legislative limbo until after the beginning of the next fiscal year. Then on October 2, 1998 Republicans voted with only six dissenting votes to bring the bill to the floor. (See Roll Call #476, CONGRESSIONAL RECORD, October 2, 1998, page H9314). The leadership then reversed itself on its desire to call up the bill and refused to bring it to the floor. The House Republican Leadership finally grudgingly agreed to negotiate higher levels for education so they could return home and campaign. The White House and Democrats in Congress were able to force them to accept a funding level for education that was $2.6 billion above the House bill.

Last year, in 1999, House Republican Leaders again directed their Appropriators to report a Labor-HHS-Education Appropriation bill that cut education spending below the President's request and below the level of the prior year. The FY2000 bill reported by the Appropriations Committee on a straight party line vote funded education programs at nearly $200 million below the FY 1999 level. The bill was almost $1.4 billion below the President's request. Included in the cuts below requested levels were reductions in Title I grants to local school districts for education of disadvantaged students ($264 million,) after school programs ($300 million,) education reform and accountability efforts ($491 million) and improvement of educational technology resources ($301 million.) Because inadequate funding threatened their ability to pass the bill, House Republican Leaders never brought it to the House floor. After weeks of pressure from House Democrats they ordered a separate bill that had been agreed to with Senate Republican Leaders to be brought to the House floor. The bill contained significantly more education funding than the original House bill but still cut the President's request for class size reduction by $200 million, after-school programs by $300 million, title I by almost $200 million and teacher quality programs by $35 million. The bill was opposed by the Committee for Education Funding which represents 97 national organizations interested in education including parent and teacher groups, school boards, and school administrators. It was adopted by a vote of 218 to 211 with House Republicans voting 214 to 7 in favor. (See Roll Call 549, CONGRESSIONAL RECORD, October 28, 1999, page H11120) It was also promptly vetoed by the President. After further negotiations, they agreed on November 18th to add nearly $700 million more, which we were requesting to educational programs.

This year the President proposed a $4.5 billion increase for education programs in the FY2001 budget. The bill reported by House Republicans cut the President's request by $2.9 billion. Cuts below the request included $400 million from Title I, $400 million from after school programs, $1 billion for improving teacher quality and $1.3 billion for repair of dilapidated school buildings. It was adopted by a vote of 217–214 with House Republicans voting 213 to 7 in favor. (See Roll Call #273, CONGRESSIONAL RECORD, June 14, 2000, page H4436)

When the FY2001 Labor-HHS-Education bill was sent to conference a motion to instruct Conferees to go to the higher Senate levels for education and other programs was offered. It also instructed conferees to permit language insuring that funds provided or reducing class size and repairing school buildings was used for those purposes. It was defeated 207 to 212 with Republicans voting 208 to 4 in opposition. (See Roll Call 415, CONGRESSIONAL RECORD, July 19, 2000, page H6563)

In summary, the record clearly shows that over the past six years House Republicans set the elimination of the Department of Education as a primary goal. Failing that, they attempted to reduce education funding to the maximum extent possible. In every year since they have had control of the House of Representatives they have attempted to cut the President's request for education funding. Appropriations bills passed by House Republicans would have cut a total of $14.6 million from presidential request for education funding. In three of the six years that they have controlled the House, they have actually attempted to cut education funding below prior year levels despite steady increases in school enrollment and the annual increase in costs to local school districts of proving quality class room instruction.

The education budget cuts have not been directed at Washington bureaucrats as some Republicans have tried to argue but mainly at programs that send money directly to local school districts to hire teachers and improve curriculum. Programs such as Title I, After School, Safe and Drug Free Schools, Class Size Reduction, and Educational Technology Assistance all send well over 95% of their funds directly to local school districts. While zealots in the Republican Conference drove much of this agenda it is clear that they could not have succeeded without the repeated assistance from dozens of Republicans moderates who attempt to portray themselves as friends of education.

The one redeeming aspect of the Republican record on education over the last six

years is that in most years they failed to achieve the cuts that they spent most of each year fighting to impose. When a coalition between the Democrats in Congress and the President made it clear that the bills containing these cuts would be vetoed and that the Republicans by themselves could not override the vetoes, legislation that was far more favorable to education was finally adopted. For Republican members to attempt to take credit for that fact is in effect bragging on their own political ineptitude. The question concerned Americans must ask is: What will happen if the Republican find a future opportunity to deliver on their six-year agenda? They may eventually become more skillful in their efforts. They may at some point have a larger majority in one or both Houses or they may serve under a President that will be more amenable to their agenda. All of these prospects should be very troubling to those who feel that local school districts can not do the job that the country needs without great assistance from the federal government.

This is not an issue of local versus federal control. Almost 93% of the money spent for elementary and secondary education at the local level is spent in accordance with the wishes of state and local governments. But there are national implications to failing schools in any part of the country. The federal government has an obligation to try to help disseminate information about what does and does not work in educating children, and it has an obligation to respond to critical needs by defining and focusing on national priorities. And that is what the other 7% of educational funding in this country does. Education is indeed primarily a local responsibility, but it must be a top priority at all levels—federal, state, and local—or we will not get the job done.

The House Republican candidates now shout loudly that they can be trusted to support education, but their record over the six years speaks louder than their words. Their record shows that in three of the last six years, House Republicans tried to cut education $5.5 billion below previous levels and $14.6 billion presidential requests. It shows that the more than $15.6 billion that has been restored came only after Democrats in Congress and in the White House demanded restoration. That is the record that must be understood by those concerned about education's future.

DEPARTMENT OF EDUCATION—GOP EDUCATION APPROPRIATION CUTS COMPARED TO PREVIOUS YEAR

[Millions of dollars]

	Prior year	House level	House cut
FY 95 Rescission	25,074	23,440	−1,635
FY 96 Labor-HHS-Education	25,074	20,797	−4,277
FY 97 Labor-HHS-Education	22,810	22,756	−54
FY 00 Labor-HHS-Education	33,520	33,321	−199

Discretionary Funding, Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—GOP EDUCATION CUTS BELOW PRESIDENT'S REQUEST

[Millions of dollars]

	Request	House level	House cut	Percent cut
FY 96 Labor-HHS-Education	25,804	20,797	−5,007	−19
FY 97 Labor-HHS-Education	25,561	22,756	−2,805	−11
FY 98 Labor-HHS-Education	29,522	29,331	−191	−1
FY 99 Labor-HHS-Education	31,185	30,523	−662	−2
FY 00 Labor-HHS-Education	34,712	33,321	−1,391	−4
FY 01 Labor-HHS-Education	40,095	37,142	−2,953	−7
Total FY96 to FY01	186,879	173,870	−13,009	−7

Discretionary Funding, Minority Staff, House Appropriations Committee.

DEPARTMENT OF EDUCATION—EDUCATION FUNDING RESTORED BY DEMOCRATS

[Millions of dollars]

	House level	Conf agreement	Restoration	Percent increase
FY 95 Rescission	23,440	24,497	1,057	5
FY 96 Labor-HHS-Education	20,797	22,810	2,013	10
FY 97 Labor-HHS-Education	22,756	26,324	3,568	16
FY 98 Labor-HHS-Education	29,331	29,741	410	1
FY 99 Labor-HHS-Education	30,523	33,149	2,626	9
FY 00 Labor-HHS-Education	33,321	35,703	2,382	7
FY 01 Labor-HHS-Education	37,142	40,751	3,609	10
Total FY95 to FY01	197,310	212,975	15,665	8

Discretionary Funding, Minority Staff, House Appropriations Committee.

NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. HAYWORTH). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

OVERVIEW OF SPEECH

Mr. MCINNIS. Mr. Speaker, good evening. It is time for another nightside chat.

This evening I want to cover a couple of areas with my colleagues here. First of all, a couple comments about the Olympics, and then I would like to move on.

I had a discussion last week and in fact over the weekend I talked with a good close friend of mine, his name is Al, and we discussed a little about the situation with Wen Ho Lee, who is the spy, or the fellow who was accused of spying, but the gentleman in New Mexico, and I kind of need to retract my words there, I will not exactly call him a ''gentleman'' from my point of view, you will see. I think the facts are going to be very interesting.

Last week, as my friend Al and I discussed, I laid out what I thought was a very strong case that makes it very clear that this fellow in New Mexico, who has been accused of a crime, and, by the way, who is a convicted felon, in fact is not a hero. He is not a martyr. He is not somebody who has been victimized. He is not a victim of racial profiling. He is not a victim of the race card. I want to discuss that case in a little more depth, in fact in a great deal of depth tonight. So I am looking forward to that discussion.

DISRESPECT SHOWN BY AMERICAN OLYMPIC ATHLETES

First of all, let us talk about the Olympics. That is an exciting event. All of us had an opportunity, I am sure, to watch the events, and we are very proud of our athletes and the sports people that we send over to participate in these events and the medals. I mean, of course, in the West we are absolutely thrilled about the wrestler out of Wyoming who beat that Russian wrestler. To me, that was probably the highlight of the Olympics.

But let me say, first of all, I consider our athletes obviously very, very capable young people who I am proud to have represent the United States, in most cases. These athletes, in my opinion, while I would not call them heroes, you certainly would call them celebrities. They have spent a lot of hard years to represent the United States.

But what I saw over the weekend dismayed me, and I want to be very specific about it, because it applies only to maybe four, maybe five at least, not the whole bunch. But, unfortunately, it kind of casts a shadow over all of our U.S. Olympic athletes, and that is those Olympic athletes representing the United States who thought it was kind of entertaining to show a lack of respect as they were receiving their medals and the Star Spangled Banner was played.

Perhaps it would be good for my colleagues to continue to remind our constituents just exactly what that song, the Star Spangled Banner, our National anthem, what it means and where it came from and what it represents.

Look, this is not some song by Metallica out there or some other group that is used for entertainment. This was a song that was written on sacrifice. This was a song written with the idea of patriotism. This was a song that was written in recognition of the many Americans who fought to preserve this country. They did not fight in Olympic games, they did not fight on a relay team to get the gold medal, they fought on a battlefield, and a lot of them gave their lives.

I will tell you, to every veteran in this country, in fact, to every citizen in this country, those athletes, who in my opinion embarrassed the United States of America with their behavior, owe an apology to every citizen in this country, and they especially owe an apology to those veterans who really went out and fought the wars, who really have represented this country since its conception.

Mr. Speaker, we all have an obligation, whether the moment is an exciting moment or whether the moment is at a funeral, or whether the moment is at the beginning of a basketball game or a football game, we have an obligation to citizens of this country to respect the history of the Star Spangled Banner.

While we do not stand there and recite the history of the Star Spangled Banner, we as Americans have that song to kind of be a symbol to the world, and even as a reminder to ourselves, about what this great country is all about and to see that some of our outstanding young people in this country who have been given the privilege, and, by the way, it is not in reverse, it is not what the country could do, so-to-speak, for those athletes, it is what those athletes can do to represent our country, and they do not represent our country when they stand there and make the kind of mockery or the kind of little professional side show they thought was entertaining for the cameras.

I hope those individuals out there who give sponsorships and commercial contracts keep in mind what these particular individuals did, how they embarrassed, in my opinion, the rest of

the Olympic team, and how they embarrassed our country, and, most of all, how they embarrassed the heritage of this country there during our National anthem.

We have every right to be proud. Boy, one does not have to go very far on our streets to find people who would tell you just how proud they are of this country, what kind of opportunity this country offered. I am sorry to say that we saw that on national TV. In fact, the entire world saw it on TV, and it did nothing at all, it did nothing at all, to exemplify the fine athletes that we had over there representing our country. I think it is very unfortunate that that is what occurred.

THE WEN HO LEE CASE: WHO IS THE VICTIM?

Let me completely shift gears. Over the last several weeks I have about had it with what I am reading in some of the national media on a public relations campaign put forward, in my opinion, by some defense attorneys on an individual named Wen Ho Lee.

As you may recall, Wen Ho Lee was the fellow who was arrested and held by the FBI on 59 counts involving some of the highest, most sensitive secrets this Nation has ever held, that is the secrets on our thermo-nuclear weapons.

I used to practice law, and I learned a long time ago, although I did not do criminal law, I was acquainted with criminal law. I used to be a police officer, and there are a couple of things I want to point out at the beginning of my comments about observations I made when I was a police officer and when I practiced law.

Let me start, first of all, when I was a police officer. When I was an officer and I would arrive at the scene of an accident, a lot of people would have a lot of different stories. What I learned time and time and time again as a police officer is what you see when you first get there a lot of times is not really what you come up with after you have been there for a while. So what seems obvious to you when you pull up to the scene of an incident is oftentimes not as obvious as you thought it was.

In other words, you may pull up to the scene of an accident and you may say, well, this is easy; that car crossed over that line and hit that car, so it is driver A's fault, because driver A hit B going the wrong way in the traffic. You may find out after further investigation that in fact driver B was in the wrong lane of traffic, spun out of control, had a collision, and the vehicles, by momentum, put themselves into the position that they were in. Point number one.

Point number two that I think is important, that I learned in the practice of law, is that defense attorneys really have a few standards by which to defend their client. The easiest way to defend your client who has been accused of a crime is the facts. If the facts are on your side, obviously the easiest fact is your client did not do it. If your client did not do it, you focus your case on the basis of the facts; my client did not do it.

If you do not have those facts on behalf of your client, then what you try and do is you try and attack the prosecution's witnesses. So you try and divert attention away from the fact that maybe your client did it, and you try and attack the credibility of the people who saw him do it or otherwise would testify to some type of circumstantial evidence that this individual is guilty of the crime alleged.

If you cannot defend your client on the facts, and if you are not too successful attacking the credibility and the character of the prosecution, then you adopt what seems to be the most popular item of defense for the last 20 years, your client is a victim. Oh, my client, I know he went out and robbed a bank, but he was victimized; he had an abused childhood; or, you know, the police did not treat him right. Anything you can use as a defense attorney to make your client seem like a victim being picked on by society or being picked on by the FBI or being picked on by the cops or being picked on by his parents, or et cetera, et cetera, et cetera. You get the idea. You know where I am going.

Well, what we have seen in the last several weeks is a massive public relations effort on an individual named Wen Ho Lee, trying to play this individual as a victim; trying to divert attention away from what this individual did.

Some of the facts or defenses they are using for Wen Ho Lee are almost laughable. One, well, he was just resume building. He wanted to build his resume, so he wanted to accumulate a library of the most sensitive thermonuclear secrets ever held in the history of the world. He just wanted to have a resume. He said, I have a library with that.

Two, this was just a coincidence. It was really accidental. He did not intend to copy over 400,000 pages of the most sensitive thermo-nuclear material ever held by any person in the history of mankind. It was just an accident that he happened to get his hands on that and started transferring it around.

One of the other defenses that in some cases have some merit and have some bearing is the race card. When you take a look the facts as I am going to present them to you, the other side of the story, you are going to find, I think, as I find, forget the race card. Throw that one out. This is not a race case. This case is based on hard, verifiable evidence. This case is based on the fact that the party is a convicted felon. This case is based on the fact that the secrets were found in his custody.

So I want to present, and I think the first thing is at the beginning of my discussion that we ask the question, and this is what I ask you to think about this evening when I go through the facts of this case, this is kind of like one of those new detective shows on TV or some kind of criminal mystery. Let us try and solve the mystery. Let us look at the basic question: Who is the victim? That is what we want to determine tonight, because we have seen this massive effort, and, frankly, it is amazing to me, the national publications that have adopted the public relations effort of these defense attorneys to point Wen Ho Lee as the victim, instead of the United States of America and its citizens.

□ 2145

That is the question we are going to ask tonight. Who is the victim? Is it Wen Ho Lee, or is it the United States of America? That is the question we want to look at this evening.

By the way, if my colleagues see my quote marks, this is testimony taken from the hearing that was given over in the Senate side; however, it is important to keep in mind that this is not an ordinary criminal matter. However, it is important to keep in mind that this is not an ordinary criminal matter. It never was. This is a national security matter of paramount importance.

This is a national security matter of paramount importance. At least seven and possibly 14 or more tapes containing vast amounts of our Nation's nuclear secrets remain unaccounted for. This is not rhetoric. It is simple frightening fact.

Mr. Speaker, let us all go back, kind of place ourselves in the laboratory in New Mexico. Let us get kind of an outlay of what that laboratory does. This is one of the most highly classified top secret locations for the United States. We have two labs that have this kind of classification. This lab in New Mexico contains within its computers not only the research, but the elements to put together thermonuclear weapons.

This lab contains the elements so that you could compose and construct a weapon, the only real weapon known to mankind that one military could use against the military of the United States of America and successfully engage it and successfully destroy it. In other words, I cannot overstress the sensitivity of the material that is contained within those laboratory walls down there in New Mexico, nor can I overstress the responsibility, the high respect of these individuals who are given the utmost trust by the citizens of the United States of America to work in that laboratory.

These citizens, they know exactly what they are dealing with. These scientists, these experts, these professionals, and every one of them is a professional. They know it. Of all 250 million or 300 million people in the United States and of all the hundreds of millions of people in the world, they alone down there have their hands on what is considered the most destructive weapons in the history of mankind.

They alone down there, while they are in that laboratory, many of them

have access that is entrusted to no other citizens in the United States outside of a handful, like the President of the United States, certain Members of Congress, certain Members of the Senate and so on and so forth. In other words, what we are dealing with is our entire design plan of our thermonuclear weapons. This is not what you call a missile-light or a criminal-light matter.

During my career, I am not sure in my career of Congress I have ever witnessed a crime that I think is more of a threat to the national security of the United States but also a threat to the entire world. I want to point to my colleagues I am not sure I have ever witnessed a more clever defense design to take an individual who the facts will reveal intentionally and very methodically transferred these nuclear secrets.

It is amazing to me that that kind of individual can get the kind of spin by our national media to play this situation into pointing it out like he is the victim, like somehow he innocently transferred these; that, in fact, all he was trying to do was build up his resume.

He thought it would be impressive to have a library of the world's most sensitive thermonuclear weapons. Let us go through some of the facts. Wen Ho Lee worked for the X Division at the Los Alamos National Laboratory. The X Division, and that is important to remember, this is the top secret division, the X Division is responsible for the research, design and development of thermonuclear weapons; and it requires the highest level of security of any division at Los Alamos.

This week I intend to go into even more depth in this case with the gentleman from Georgia (Mr. BARR), who used to be, by the way, a U.S. Attorney. He is an expert I think in prosecution, and it will be interesting to have his comments in regards to the Los Alamos lab and what level we can consider this breach of security.

The X Division scientists, and that is what Wen Ho Lee was, he is an X Division scientist. Now the scientist most familiar with the downloaded information would have testified that Wen Ho Lee took every, not some, not a little here, not a little there, every significant piece of information to which a nuclear designer would want access. It gets worse.

Before Wen Ho Lee created these tapes, only two sites in the world held this complete design portfolio, the secure computer inside the highest security division at Los Alamos and the secure computer system inside the highest security division in another one of our national laboratories. Now, this is what one of the defenses they are using is that, look, accidents happen, poor Wen Ho Lee was in there working on his computer. He was a computer buff, kind of a computer geek; and as he is working it by accident he happens to transfer a couple hundred thousand pages, pretty soon 300,000, pretty soon 400,000 pages of thermonuclear weapons from a classified position to a nonclassified position, from a nonclassified position to the computer at his desk.

I will walk through those steps, and we will see why it takes a methodical and well thought out process to complete what Wen Ho Lee did to do what he did. Let us go on. It is not a simple task for Wen Ho Lee to move files from the closed to the open system. The CFS tracking system reveals that Wen Ho Lee spent hours unsuccessfully trying to move the classified files into unclassified space; eventually, Wen Ho Lee worked his way around what was designed to be a cumbersome process.

In other words, here is what is going on. The computer with the thermonuclear secrets accounts is here, and contained within that computer are documents which are an entire library on thermonuclear weapons; and when I say our entire library, it is the research. It is the construction. It is the impact, et cetera, et cetera, et cetera.

In order for one to move a document from this top secret computer, you have to declassify it, because if the document is classified top secret, you cannot move it from that computer to a nonclassified computer. So the first step that you need to take is you need to take these documents that are classified top secret, and you need to declassify them to a declassified document. And what this is saying right here is that in order to do that, we wanted to make sure we had a fail-safe system. In a fail-safe system, we wanted to make the process very cumbersome. In other words, it took a lot of study; it took a lot of processes to get through it.

It had several what you might call barriers built into the computer programming, so that you could not automatically or by accident hit a button and classify a document from classified to nonclassified or from secret to nonsecret.

So when Wen Ho Lee went through this, it took him hours to figure out the system, how do I move it from classified to nonclassified. He studied it and eventually he mastered it. And that is what he did. He first moved it from the top secret computer, changed the classification of the documents; then moved the documents to his other computer at his desk, because they can move his unclassified documents and put them on to his personal computer and who knows where those secrets are today. Although, there are many suspicions of where those secrets are today.

Let us go on. Wen Ho Lee worked to command the computer to declassify the files when he was well aware that the files contained some of the most sensitive information at Los Alamos, and this process over here just kind of tells us what was necessary. First, you had to have an input deck, file information. Now this information was a blueprint of the exact dimensions and the geometry of the Nation's nuclear weapons, including our most successful modern warheads.

The data files included nuclear bomb testing protocol, nuclear weapons bomb test problems, information related to physical and radioactive properties. And the source codes included data used for determination by simulation the validity of nuclear weapon designs. So the information that Wen Ho Lee worked with on his computer, he knew, he knew how secret that information was. He knew exactly what keys that information provided for somebody who wanted to get their hands on it to build their own nuclear arsenal. Yet, he continued over a period of time, and I am going to show us some of the interesting facts about that period of time. He went over a period of time and continued to declassify top secret material for the sole purpose of transferring it out of that computer into his own computer and copying it into his own personal library, which now he has. We do not know where those documents are.

Before we go further, let me point out that it has been very easy to criticize the Federal Bureau of Investigation. They were the lead investigator here. The Department of Justice, Janet Reno, as I said, in fact, in my discussions with AL this weekend, my constituent that I visited with, in my discussions, he reminded me of how critical I had been of the Federal Bureau of Investigation with Ruby Ridge.

I think Ruby Ridge and the conduct by the Federal Bureau of Investigation was a shame. I think it was shameful. They know it was shameful. I think it was unfortunate that some of the people who were involved with the FBI who did wrong ended up with promotions.

I have had disagreements with Janet Reno, the Attorney General. Although I am an ex-police officer, I am not coming in here with a bias in favor of the FBI. I am not coming in here with a basis in favor of Janet Reno. I am coming in here, I believe, well studied in the facts; and I am telling my colleagues do not let them divert Wen Ho Lee's activity and his behavior by putting the blame on Louis Freeh, the director of the Federal Bureau of Investigation. Do not let them divert from the facts what Wen Ho Lee did by bringing Janet Reno into the equation and saying for some reason she misbehaved.

The facts are clear in this case. I am going to present some more to you.

Let us go on further. It is critical to understand it; and I think this is so important, so important, for us to pay attention to. It is so critical to understand that Wen Ho Lee's conduct was not inadvertent. It was not careless, and it was not innocent. Over a period of years, Lee used an elaborate scheme to move the equivalent of 400,000 pages of extremely sensitive nuclear weapons files from a secure part of the Los Alamos computer system to an unclassified, unsecure part of the system,

which could be accessed from outside of Los Alamos, indeed, from anywhere in the world.

In fact, at one point Lee attempted to access that from overseas. He could not quite get the connection down, so he contacted the computer help system, which had a tracer on it, and in asking for help on the computer, how do I do this, I am not being successful in transferring in this country, I believe he was over in Taiwan.

In order to achieve his ends, Wen Ho Lee had to override default mechanisms that were designed to prevent any accidental or inadvertent movement of these files. His downloading process consumed approximately 40 hours of 70 different days. Do not let people tell you he did it by accident. There are default mechanisms built into this computer program. You have to go around it. You have to go under it. You have to go above it. You have to go sideways.

There are a lot of computer safeguards placed in there, so somebody who is handling this sensitive material cannot inadvertently send it to a computer system where it can be accessed around the world. His behavior was not inadvertent. It was not careless, and it was not innocent.

Let us go on. Nor was this all. Wen Ho Lee carefully and methodically removed classification markings from documents.

□ 2200

He attempted repeatedly to enter secure areas of Los Alamos after his access had been revoked, including one attempt at 3:30 in the morning on Christmas Eve.

Think about that, how many people would attempt to get into a top secret part of a lab at 3:30 in the morning on Christmas Eve; in the morning, a.m., 3:30 a.m. on Christmas Eve? Oh, what a coincidence, he just happened to stumble down to the top secret portion of the lab and try to gain access through a starewell.

He deleted files in an attempt to cover his tracks before he was caught. As soon as he found out the FBI was on him, as soon as he failed a lie detector test, as soon as he figured out that the computer was tracking him, he began immediately to delete files. He tried to cover his tracks, not by an accidental push of the button, of the keyboard, but by an intentional, well-designed method to delete not only his current files, but delete any record of those files ever being made at all.

Wen Ho Lee created his own secret, portable electronic library of this Nation's nuclear weapons secrets. So first he took them out of the top secret computer, moves them to a nonclassified computer, where he can then access them from his own computer. In fact, anyone in the world could access those secrets.

He stood before a Federal court judge, admitted his wrongdoing, and pleaded guilty to a felony. Contrary to some reports, there is nothing minor or insignificant about that crime. The restricted data that Wen Ho Lee downloaded into 10 portable computer tapes included, and keep this in mind, it included the electronic blueprint of the exact dimensions and geometry of this Nation's nuclear weapons.

These are just some of the steps that are required to access, for him to go in there.

First of all, he has to log into a secure computer system by entering a password, and not only enter a password, you have to put a Z number in behind it. Then you have to access data in red partition, then type save, then you go CL–LU, classified level included unclassified. So look at the steps we already have so far.

Then you have to access C machine and type commands to download partition from secure partition to open Rho machine. Then you have to access that machine. Then you have to log into a colleague's computer outside of the x division. Then you have to access the open directory and copy the files.

My point in all of that is that there were numerous steps that Wen Ho Lee took to obtain from all of us, from all of the citizens of the United States, to obtain our highest secrets, in dereliction, not only dereliction of his duty, that is too light, but in my sense, a betrayal. I do not think I am using too strong a word.

Anybody that would go in with those kinds of secrets, with those kinds of weapons, and would intentionally transfer the information of those weapons so that it can be accessed elsewhere, and we do not know where most of those tapes are, by the way, Mr. Lee has not cooperated, he has not told us where those are the tapes are, tell me that is not a betrayal in the highest form. I think it is. I think it is disgraceful.

Let us go through this. Make no mistake about the scope of this offense and the danger that it presents to our Nation's security. Make no mistake about the scope of this offense and the danger it presents to our society.

As an expert from Los Alamos testified in this case, the material that was downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability of Los Alamos at that time, approximately 50 years of nuclear development.

Mr. Speaker, for those who have been kind of coming in and out, following me a little here and there, this will bring Members entirely up to speed, this one paragraph. And make no mistake about it, the scope of this offense and the danger it presents to our Nation's security, as an expert from Los Alamos testified in this case, the material downloaded and copied by Wen Ho Lee represented the complete nuclear weapons design capability of Los Alamos at that time, approximately 50 years of nuclear development.

They had an expert come in and testify, a Dr. Younger, and tell us exactly what he thought was the extent of the material that Wen Ho Lee transferred. Please, please, Mr. Speaker, I ask my colleagues to listen very carefully to this.

''These codes and their associated databases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, change the global strategic balance.''

In other words, if these get into the wrong hands, and we know they are out there now, we know that the secrecy has been broken by Wen Ho Lee, that in betrayal to his country he has copied those and moved those out into that world, and that if somebody gets those who knows what they are doing, it could change the global strategic balance.

''They enable the possessor to design the only objects,'' ''They enable the possessor to design the only objects that could result in the military defeat of America's conventional weapons;'' the only threat, for example, to our carrier battle groups. ''They represent the gravest possible security risk to the United States,'' what the President and most other presidents have described as the supreme national interest of the United States.

Look at that sentence, Mr. Speaker. Just look at that. ''They represent the gravest possible security risk to the United States.'' They represent the gravest possible security risk to our country, to our constituents. In fact, if it is a security risk to the United States, it is a security risk to our friends throughout the world.

One individual, one individual, has done this much damage. Yet, our national media, some of our media, portrays him as a picked-upon victim. Some of our national media decides to focus on the FBI or on Janet Reno and kind of shove it aside, just brush it aside, as if it is a minor traffic ticket, what Wen Ho Lee has done to this country? Where is the justice here?

Now, some will say, okay, you made some pretty strong statements, Congressman. Really, what do you have to point out? Show us a little more detail. Let me give kind of a chronological chart. I think at the end of this chart Members will be very amazed, very interested in the innocence of Wen Ho Lee.

A chronological events or a calendar of events between December 23, 1998, and February 10, 1999. Let us take a look at these. This is on December 23rd, 1998, on Wednesday.

At 2:18, they completed the polygraph of Wen Ho Lee. At 5 o'clock, approximately 5 o'clock, Wen Ho Lee is advised that his access to the secure areas of the X division, remembering that the X division is the top secret area, and to both his secure and open X division computer accounts has been suspended.

So about 5 o'clock they told Wen Ho Lee, ''Your privileges, your permission, your ability to go into any of these secret areas is hereby suspended.'' So

there should be no question that Wen Ho Lee knew that he was attempting to get into areas he was not supposed to be into, that he was specifically prohibited from entering.

At 9:36 that night, and by the way, way past his shift, Lee makes four attempts to enter the secure area of X division through a stairwell, up through stairwell number 2, and makes four attempts to get into the secure area.

At 9:39, approximately 3 minutes later, he tries another access point through the south elevator and attempts to enter the secure area.

On December 24, at 3:31 in the morning, he is back again, once again through the south stairwell number 2, which by the way, as you know, Christmas Eve, he attempts to enter the secure area of the X division.

On January 4, on Monday at 9:42, Lee succeeds in having his open computer account reactivated, and deletes three computer files.

On January 12, 1999, he deletes one computer file.

On January 17, 1999, between 1 and 5, they interview Lee at his residence. The very next day Lee, in an attempt to cover his tracks, deletes 47 computer files. The following day Lee goes to the computer desk and asks for help, why he is not able to successfully delete these files to hide his tracks.

At 10:46, he attempts to enter the secure area again, this time through stairwell number 3.

On January 30 at 2:54, Los Alamos officials deactivate Lee's open computer account and secure area of X division after discovering that it has been improperly reactivated. So they deactivate it and oh, what a coincidence, here is Wen Ho Lee attempting on several times to go through, to go up through a stairwell or elevators to gain access to an area that he had been specifically and openly and he acknowledged having no right to go into.

The next thing you know, they also say, we are also taking your computer access away. Somehow, just like he was able to move classified documents to nonclassified documents, somehow he is now able to reactivate his computer access to the top secret area, so they deactivate it.

At 4:52, not long after they detected his computer has all of a sudden been reactivated, at 4:52 he attempts to enter the secure area, this time through a south door.

On February 2 at 9:42 in the morning he attempts to enter the secure area of X division through the south door. A little after 1 o'clock he attempts again through the south door. About 2 o'clock he makes four attempts to enter the X division, again through the south door.

On February 8, they contacted him and asked to meet with him to discuss conducting interview and a polygraphs. Shortly thereafter, he once again attempts to enter the secret division, this time through stairwell number 2. Between 4 and 6 they meet with him. They arrange to have the polygraph. Shortly after he arranges to have another polygraph with the FBI, he once again attempts through the south door to enter into the access of the X division.

On February 9, Lee deletes approximately 93 computer files. The FBI interviews him at 1 o'clock that day and they obtain his permission to undergo a polygraph. At 9:03 that night he is back again at the lab and once again he is trying to access through the south door.

On February 10, he undergoes the polygraph. Immediately after the polygraph, he deletes 310 computer files. Once again later that evening he attempts to enter the secure area of the X division through the south door.

Mr. Speaker, these are hard facts. It is simple to figure out what is going on here. It would be an injustice to our citizens, it would be an injustice to the national security of our country, it would be an injustice to the global strategic balance of this world, to just look the other way and dismiss this as a minor altercation by a scientist who wants to build his resume.

There is a lot to look at here. For gosh sakes, do not take for granted what this individual was attempting to do. Do not ignore the fact, despite the fact that there are many national publications that want to play this off as a race card, want to play it off as an innocent mistake, want to play it off as kind of an accidental scientist who kind of bumbles around, doesn't have a lot of common sense, and wanted to build his own library for his personal enjoyment, the fact is we have suffered a major loss in this country.

We know who is responsible for this major loss. Every newspaper and every critic of the FBI and every critic of Janet Reno has an obligation to stand up.

That is not to say they should not criticize our law enforcement agencies if they misbehave, but it is to say that in that criticism, do not let it overshadow or in such a way divert them away from what has occurred and the victims of what has occurred.

Wen Ho Lee is not the victim in this case, it is us, the citizens of the United States. It is those thermonuclear secrets. Where are they today? Mr. Wen Ho Lee had many opportunities to cooperate with the FBI. He makes it sound like he was really cooperating. He did not cooperate. For months he would not say anything. He lied to the FBI until they showed him the evidence. Then he changed his stories. He and his defense attorneys did not know the kind of evidence that the FBI had. Now all of a sudden these tapes, he just lost them. He is not sure what happened to them.

He is a convicted felon now, and part of the agreement is he has to disclose. But do we think we can trust him?

Let me point out one other thing that I found of some interest. In some of the newspaper articles that I saw, I noted that they said Wen Ho Lee was taken like a prisoner of war in some Third World country and he was isolated, put in shackles. He was not allowed to see people. He was abused.

Even the President of the United States, in a comment of his policy, questioned whether or not, is this guy a victim? Come on.

□ 2015

Let us take a look at his imprisonment. I got this out. We would like to emphasize, we sought to be responsive to complaints brought to our attention by Wen Ho Lee's attorneys concerning the conditions of his confinement. I want to go ahead and get this out. This is not an issue. Let us just look at it and throw it out.

For example, we arranged a Mandarin language speaking FBI agent to be present so Wen Ho Lee could speak to his family in that language. Similarly, we made special food arrangements for Wen Ho Lee. We arranged for exercise on weekends, and we built at significant government expense a special secure facility in the courthouse where he could consult with his lawyers and where, in fact, he spent up to 6 hours per day on over 90 days of his incarceration. In numerous respects, then, Wen Ho Lee was treated better than others who were held in an administrative segregation at this facility.

This is Director Freeh. Let me be clear about some misconceptions. Wen Ho Lee was held in solitary while in the facility; but as I have noted, in fact, he spent a good part of over 90 days outside the facility with his lawyer. He was not shackled in his cell but only when he was transported or otherwise outside his cell, as were others in similar circumstances.

So this picture they are trying to give us of some individual who was shackled and put in isolation, one, he was in isolation, but he had access to his family, he had access to his attorneys. Sure his outside communication was confined because he will not tell us where the tapes are. He will not tell us who he has communicated to. He will not tell us if he has given those thermonuclear secrets to the Chinese, for God's sakes.

Well, of course we are going to treat him with some concern. But the only time he had shackles on is when, like any other prisoner, he was transferred from location to location. As the Director of the FBI noted, he even got special treatment. He had a special facility built for him. During the first 90 days of his incarceration, he spent 6 hours a day with his lawyers. And it goes on.

To claim that a light was kept on in his cell, that is another claim. They said, well, he had a light over his cell that was never turned off. We would like to point out that this claim first surfaced, so far as we are aware, after the plea. To the best of our knowledge, no complaint was made to us through Wen Ho Lee's lawyers about the lighting condition in his cell.

Significantly, we informed Wen Ho Lee's attorneys that we would respond to any reasonable request regarding the conditions of his confinement. So this light deal, about him being in a cell with just a single light he could not turn off, that did not even arise as a complaint until after he plea bargained, when the public relations effort began by the defense attorneys, when the public relations effort began by this, I guess, this individual's friends.

Some of the coverage I have seen, it made me think, oh, my gosh, maybe we ought to put background music on, tie a yellow ribbon around that tree. You know, one feels sorry. He has done his time. He is coming home.

Let me tell my colleagues something, this could not be the furthest from that. This man has transferred the most sensitive secrets in the history of this country. And for our national media, not all our national media, but for some of our national media to treat this as if he is the victim, as if our authority, as if our government is somehow overstepping its bounds to come down on an individual who has taken these types of secrets with the kind of evidence that we have, and obviously he has now acknowledged it, is in itself an injustice.

So it comes back to the basic question. My colleagues heard the facts tonight, the facts as given by sworn testimony, by the Director of the FBI, by Janet Reno. The evidence is hard evidence. This is not circumstantial evidence. This is not evidence that is imagined. This is evidence that, in fact, Wen Ho Lee himself admitted to some of it when he plead guilty to this felony.

Now, some people said, well, gosh, there were 59 charges. Why did they drop 58 of them? It is pretty simple why they dropped 58, because in order to pursue the 58 charges, they had to make further disclosure of national secrets.

So it was the opinion of the FBI and of the Department of Justice and the other individuals involved that it was better to get him on one charge than have to disclose any more secrets, especially since we do not know to what extent Wen Ho Lee allowed other individuals to put their hands on the material that he had taken from our secret labs.

So the question comes back, who is the victim? I hope that, after my discussion with my colleagues this evening, that on the answer to that question, this is not even considered as one of your multiple choices; that the only multiple choice you have, and you volunteer to take it, is that it was the United States of America who was the victim in this case, that it is the citizens of the United States of America who are the victims in this case, that it is the future generations of this country who have become the victim of one individual who absconded with American secrets, who, held in the highest level of trust by his fellow citizens in this country, betrayed his citizens, who went in and in a methodical process transferred, first of all, changed ''top secret'' classification to ''nonsecret'' classification, and then put it out to his own computer.

This is an individual who was evasive, who did not tell the truth on occasion, who, through his attorneys, tried to mislead the FBI, who went out on his own and went into the computer and tried to cover his tracks, who on numerous occasions, as I went over, tried to get back into an area of the lab, the secure part of the lab where he knew he was denied, he was not allowed those privileges anymore. And you tell me who is the victim.

It is clear to me, and it ought to be clear to my colleagues, and I am pretty sure it is going to be clear to their constituents that the victim here is us. So keep that in mind as my colleagues hear further information on Wen Ho lie.

In conclusion of these remarks, let me say that later this week I hope I have the opportunity to sit down with BOB BARR. I have asked BOB BARR, and BOB and I had a lengthy discussion about this, about the policies and what a U.S. attorney looks at, what kind of evidence the government looks for, and why the government, I am going to be very interested in what Mr. BARR has to say, about why the government at times is not allowed to pursue charges because they would have to reveal secrets, and the pluses and the minuses and what kind of thought process goes into that.

Mr. Speaker, I think it is a responsibility of ours when we go on this recess to go out to our constituents and be fully informed on this case. This case obviously has had devastating impacts so far, and it could be much, much more severe. We need to know what we are talking about. We need to have the facts at hand.

So I think the subsequent discussions that I have with Mr. BARR on this floor will also be of some benefit to my colleagues as they go out and visit with their constituents as to what occurred and what did not occur with Wen Ho Lee at the Los Alamos labs.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and October 3 on account of personal business.

Mr. HILLEARY (at the request of Mr. ARMEY) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SOUDER) to revise and extend their remarks and include extraneous material:)

Mr. STEARNS, for 5 minutes, today.

Mr. CAMPBELL, for 5 minutes, October 3.

Mr. SOUDER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CANNON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT on H.R. 5284.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On September 28, 2000:

H.J. Res. 72. Granting the consent of the Congress to the Red River Boundary Compact.

H.R. 999. To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 4700. To grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.J. Res. 109. Making continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 2647. To amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 3, 2000, at 9 a.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:

10397. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Decreased Assessment Rate [Docket No. FV00–989–5 IFR] received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10398. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting a report on initiating a cost comparison of Multiple Support Functions at Randolph Air Force Base, Texas; to the Committee on Armed Services.

10399. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regualtion Z; Docket No. R–1070] received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10400. A letter from the Deputy Assistant, Department of Defense, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activites Receiving Federal Financial Assistance —received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10401. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule— Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving Federal Financial Assistance—received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10402. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received September 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10403. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services [PR Docket No. 92–235] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10404. A letter from the Assistant Bureau Chief, International Bureau Telecommunication Division, Federal Communications Commission, transmitting the Commission's final rule—Rules and Policies on Foreign Participation in the U.S. Telecommunications Market [IB Docket No. 97–142] received September 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10405. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Italy (Transmittal No. 09–00), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10406. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 133–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10407. 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 Belgium [Transmittal No. DTC 139–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10408. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 137–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10409. 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 Greece [Transmittal No. DTC 116–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10410. 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 Israel [Transmittal No. DTC 136–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10411. 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 the United Kingdom [Transmittal No. DTC 122–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10412. 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 Australia [Transmittal No. DTC 123–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10413. 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 Taiwan [Transmittal No. DTC 104–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10414. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed Technical Assistance Agreement with Germany and Italy [Transmittal No. DTC 070–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10415. A letter from the Assistant Secretary for Policy and Planning, Department of Veterans, transmitting a report in accordance with Public Law 105–270, on the inventory of commercial activities which are currently being performed by Federal employees; to the Committee on Government Reform.

10416. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting a report on the revised Strategic Plan for the Occupational Safety and Health Review Commission; to the Committee on Government Reform.

10417. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled ''Federal Employees' Overtime Pay Limitation Amendments Act of 2000''; to the Committee on Government Reform.

10418. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— Final Compatibility Regulations Pursuant to the National Wildlife Refuge System Improvement Act of 1997 (RIN: 1018–AE98) received October 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10419. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled the ''Human Rights Abusers Act of 2000''; to the Committee on the Judiciary.

10420. A letter from the Corporate Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2000, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

10421. A letter from the Secretary, Judicial Conference of the United States, transmitting a draft bill entitled, ''Federal Judgeship Act of 2000''; jointly to the Committees on the Judiciary and Resources.

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. McCOLLUM: Committee on the Judiciary. H.R. 3484. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes (Rept. 106–920). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 5267. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the ''Theodore Roosevelt United States Courthouse'' (Rept. 106–921). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 5284. A bill to designate the United States courhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Customhouse'' (Rept. 106–922). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4187. A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles (Rept. 106–923). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 603. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4578) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–924). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 604. Resolution providing for consideration of the joint resolution (H.J. Res. 110) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–925). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. RYAN of Wisconsin):

H.R. 5350. A bill to exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 5351. A bill to amend title 10, United States Code, to authorize military recreational facilities to be used by any veteran with a compensable service-connected disability; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 5352. A bill to amend the Internal Revenue Code of 1986 to promote the development of domestic wind energy resources, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEPHARDT (for himself, Mr. THOMPSON of Mississippi, and Mr. RILEY):

H.R. 5353. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 5354. A bill to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the ''Bruce F. Cotta Post Office Building''; to the Committee on Government Reform.

By Mr. KENNEDY of Rhode Island:

H.R. 5355. A bill to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the ''Alphonse F. Auclair Post Office Building''; to the Committee on Government Reform.

By Mr. KLINK (for himself, Mr. MCHUGH, Mr. HOLDEN, and Mr. OBERSTAR):

H.R. 5356. A bill to establish the Dairy Farmer Viability Commission; to the Committee on Agriculture.

By Mr. LEWIS of Georgia (for himself, Mr. BARR of Georgia, Mr. BISHOP, Mr. CHAMBLISS, Mr. COLLINS, Mr. DEAL of Georgia, Mr. ISAKSON, Mr. KINGSTON, Mr. LINDER, Ms. MCKINNEY, and Mr. NORWOOD):

H.R. 5357. A bill to designate the Peace Corps World Wise Schools Program, an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others, as the ''Paul D. COVERDELL World Wise Schools Program''; to the Committee on International Relations.

By Mrs. MALONEY of New York (for herself, Mr. RANGEL, Mr. GONZALEZ, and Mr. FALEOMAVAEGA):

H.R. 5358. A bill to amend title 13, United States Code, to provide that the term of office of the Director of the Census shall be 5 years, to require that such Director report directly to the Secretary of Commerce, and for other purposes; to the Committee on Government Reform.

By Mr. SKEEN:

H.R. 5359. A bill to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; to the Committee on Resources.

By Mr. YOUNG of Florida:

H.J. Res. 110. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. KNOLLENBERG (for himself and Mr. OSE):

H. Con. Res. 415. Concurrent resolution expressing the sense of the Congress that there should be established a National Children's Memorial Day; to the Committee on Government Reform.

By Mrs. WILSON (for herself, Mr. LAMPSON, Mr. BARTON of Texas, Mr. FROST, Mr. OXLEY, Mr. SAM JOHNSON of Texas, Mr. SHIMKUS, Mr. FOLEY, Mr. GREENWOOD, and Mr. VISCLOSKY):

H. Res. 605. A resolution expressing the sense of the House of Representatives that communities should implement the Amber Plan to expedite the recovery of abducted children; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. MCINTYRE, Mr. KLINK, Mr. MILLER of Florida, Mr. MEEHAN, Mr. SANDLIN, Mr. HASTINGS of Florida, and Mr. STRICKLAND.

H.R. 372: Mr. MANZULLO.

H.R. 488: Mr. GREENWOOD.

H.R. 582: Mr. ALLEN.

H.R. 601: Mr. GORDON.

H.R. 783: Ms. SANCHEZ.

H.R. 908: Mr. SANDERS and Mr. FILNER.

H.R. 1115: Mr. BACA.

H.R. 1122: Mr. GORDON, Mr. ROMERO-BARCELO, and Mr. PETERSON of Pennsylvania.

H.R. 1187: Mr. FLETCHER.

H.R. 1310: Mr. BARRETT of Wisconsin, Mr. SMITH of New Jersey, and Mr. WOLF.

H.R. 1311: Mr. BARRETT of Wisconsin and Mr. DOYLE.

H.R. 1465: Mr. CUNNINGHAM.

H.R. 1503: Mr. GORDON.

H.R. 1515: Mr. HOLT.

H.R. 2138: Mr. KLINK.

H.R. 2241: Ms. MCCARTHY of Missouri.

H.R. 2431: Ms. MCCARTHY of Missouri.

H.R. 2457: Mr. CLAY and Mr. BACA.

H.R. 2620: Mr. SHAW.

H.R. 2774: Mr. TURNER.

H.R. 2814: Ms. HOOLEY of Oregon.

H.R. 2906: Mr. MENENDEZ.

H.R. 3003: Mr. WU.

H.R. 3083: Mr. BACA.

H.R. 3144: Mr. BACA.

H.R. 3161: Ms. JACKSON-LEE of Texas.

H.R. 3275: Ms. KILPATRICK, Mr. FRANKS of New Jersey, Ms. PELOSI, Mrs. LOWEY, and Ms. WOOLSEY.

H.R. 3308: Mr. HOLDEN.

H.R. 3309: Mr. ENGLISH.

H.R. 3463: Mr. KLINK.

H.R. 3473: Mr. WU.

H.R. 3514: Mr. CAMPBELL, Mr. OWENS, and Mr. ETHERIDGE.

H.R. 3633: Mr. BONIOR, Mr. BARRETT of Wisconsin, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mr. CUMMINGS, Mr. FATTAH, Mr. JEFFERSON, Ms. KILPATRICK, Mr. KLINK, Mr. HOLT, and Mr. ROTHMAN.

H.R. 3667: Mr. BROWN of Ohio.

H.R. 3872: Mr. PETERSON of Minnesota, Ms. DEGETTE, Mr. DOYLE, Mr. BARCIA, and Mr. BACA.

H.R. 4025: Mrs. ROUKEMA.

H.R. 4106: Ms. KAPTUR.

H.R. 4274: Mr. COYNE.

H.R. 4277: Mr. DEFAZIO and Mr. OBERSTAR.

H.R. 4338: Mr. KENNEDY of Rhode Island.

H.R. 4627: Mr. KINGSTON.

H.R. 4634: Ms. KILPATRICK, Mrs. THURMAN, Mr. FROST, and Ms. PELOSI.

H.R. 4649: Mr. HOLT, Mr. GOODLING, and Ms. SCHAKOWSKY.

H.R. 4677: Mr. FROST.

H.R. 4701: Mr. BURR of North Carolina and Ms. KAPTUR.

H.R. 4736: Mr. MCNULTY.

H.R. 4740: Mr. KLINK.

H.R. 4926: Mr. GOODLING, Mrs. CHRISTENSEN, Ms. KILPATRICK, and Mr. FORD.

H.R. 4964: Ms. KILPATRICK, Mr. ABERCROMBIE, and Mr. EVANS.

H.R. 5040: Mr. GORDON.

H.R. 5054: Mr. DOYLE.

H.R. 5122: Ms. SCHAKOWSKY.

H.R. 5146: Mr. SCHAFFER.

H.R. 5151: Mr. STUMP.

H.R. 5158: Mr. WYNN and Mr. MEEKS of New York.

H.R. 5163: Mr. HAYES, Mr. PAYNE, Mr. KANJORSKI, Mr. THOMPSON of California, Ms. CARSON, and Mr. EVANS.

H.R. 5164: Mrs. THURMAN, Mr. TERRY, Mrs. ROUKEMA, and Mr. MOORE.

H.R. 5178: Mr. HINCHEY, Mr. ETHERIDGE, Mr. HINOJOSA, Mrs. CHRISTENSEN, Mr. FORD, Mrs. JOHNSON of Connecticut, Mr. EHRLICH, Mr. DOYLE, Mr. THOMPSON of California, Ms. BERKLEY, Mr. WELDON of Pennsylvania, Ms. PRYCE of Ohio, and Mr. GIBBONS.

H.R. 5180: Mr. GREEN of Texas, Mr. SAXTON, and Mr. ENGLISH.

H.R. 5200: Mr. SHAW, Mr. VITTER, and Mr. SAXTON.

H.R. 5204: Mr. STARK and Mr. KOLBE.

H.R. 5220: Mr. BONILLA, Mr. COMBEST, Mr. ORTIZ, and Mr. TURNER.

H.R. 5229: Ms. MCKINNEY.

H.R. 5241: Mr. GEKAS.

H.R. 5261: Mr. CAPUANO and Mr. HINOJOSA.

H.R. 5271: Mr. STENHOLM, Mr. FILNER, Mr. SANDERS, Ms. MCKINNEY, Mr. RAHALL, and Mr. REYES.

H.R. 5277: Mr. JEFFERSON, Mr. HALL of Ohio, Mrs. LOWEY, Ms. KILPATRICK, Mr. COYNE, Mr. WU, Mr. BACA, Mrs. CAPPS, Mr. MCGOVERN, Ms. HOOLEY of Oregon, Mr. LAFALCE, Mr. OBERSTAR, and Mr. WAXMAN.

H.R. 5288: Mr. KANJORSKI.

H.R. 5308: Mr. KILDEE.

H.R. 5324: Mr. RAHALL, Mr. PASTOR, Mr. BISHOP, Mr. FILNER, Mr. WEXLER, Ms. CARSON, Mr. WISE, and Mr. FROST.

H.R. 5331: Mr. WATT of North Carolina, Ms. SCHAKOWSKY, Mr. GILCHREST, Mr. SANDLIN, and Mr. BORSKI.

H.R. 5345: Mr. PACKARD and Mr. WAXMAN.

H. Con. Res. 64: Ms. PRYCE of Ohio.

H. Con. Res. 308: Mr. ACKERMAN.

H. Con. Res. 341: Mr. SHADEGG and Mr. WELDON of Florida.

H. Con. Res. 357: Mr. GEORGE MILLER of California.

H. Con. Res. 382: Mr. HASTINGS of Florida and Mr. SALMON.

H. Con. Res. 392: Mr. PASCRELL.

H. Con. Res. 398: Ms. SCHAKOWSKY.

H. Con. Res. 406: Mr. BOYD.

H. Con. Res. 408: Mr. SMITH of New Jersey, Mr. FILNER, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 414: Mr. PORTER.

H. Res. 398: Mr. SHAW and Ms. ROS-LEHTINEN.

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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 12 noon, on the expiration of the recess, when called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of enabling strength, we thank You that You have promised, ''As your days, so shall your strength be.''

As we begin a new week, it is a source of both comfort and courage that You will be with us to provide the power to finish the work to be accomplished before the recess. Help us to trust You each step of the way, hour by hour, issue after issue. Free us to live each moment to the fullest. We commit to Your care any personal worries that might cripple our effectiveness. Bless the negotiations on the budget. We ask that agreement may be reached.

Father, be with the Senators. Replace rivalry with resilience, party prejudice with patriotism, weariness with well-being, anxiety with assurance, and caution with courage. Reclaim that magnificent promise through Isaiah, ''But those who wait on the Lord shall renew their strength; they shall mount up with wings like eagles; they shall run and not be weary; they shall walk and not faint.'' Is. 40:31. May it be so for the Senators all through this week. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The honorable JEFF SESSIONS, a Senator from the State of Alabama, 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 MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

Mr. LOTT. I thank the Chair.

THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, we note with great pleasure that the distinguished President pro tempore, Senator THURMOND of South Carolina, is present and accounted for, as always. We are truly blessed and thankful for the indomitable spirit and the magnificent personality and the leadership of Senator THURMOND. It is good to see him here looking great this morning.

Mr. THURMOND. Thank you very much.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 2 p.m. with Senators THOMAS and BYRD in control of the time.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 2557, the bill regarding America's dependency on foreign oil. At 5:30 p.m. the Senate will proceed to a vote on the conference report accompanying the energy and water appropriations bill unless some other agreement is reached. As a reminder, on Tuesday morning the Senate will begin final debate on the H–1B visa bill with a vote scheduled to occur at 10 a.m. Therefore, Senators can expect votes at 5:30 p.m. this evening and 10 a.m. tomorrow.

I thank my colleagues for their attention.

I might also note that we could have a vote or votes on the Executive Calendar this afternoon. So there could be at least two votes beginning sometime around 5:30, maybe as many as three. And then, of course, there will be the other vote at 10 a.m.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from West Virginia is recognized now for 60 minutes.

Mr. BYRD. I do not expect to take 60 minutes, but I thank our floor staff for arranging for me to use that time.

A CATSKILL EAGLE

Mr. BYRD. Mr. President, on a cold winter afternoon in 1941, a young boy of fourteen went about his daily business, engaged in his humble profession. I can imagine that to many of the pedestrians who made their way down Central Park West that day, this youngster perhaps was nothing extraordinary, just another shoeshine boy. However, this was not just another winter day; it was December 7, 1941. It marked the beginning of America's active participation in the greatest struggle of the twentieth century, a war that would take this boy and make him a man. And it was, perhaps, the last time DANIEL PATRICK MOYNIHAN was left standing on the sidelines as the controversies and events that would affect our Nation unfolded. So this was not just another boy. Today, I honor this man and commemorate his transformation from a humble shoeshine boy to the senior Senator from the State of New York. It is with a heavy heart, a heart that is filled with admiration, that I bid Senator MOYNIHAN farewell and thank him for his ceaseless efforts on behalf of the people of New York and this Nation.

He will not be leaving this afternoon or tomorrow or the next day, but this is his final year, by his own choice, in which he will serve the Nation and his State of New York from his position in this Chamber.

Raised by a journalist and a bar-keep in Manhattan's melting pot, Senator

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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MOYNIHAN climbed the ladder of academia with the callused hands of a blue-collar day laborer to become a man of accomplishment and great learning, the embodiment of the American Dream. He once arrived for an examination at City College of New York with a dockworker's loading hook tucked into his back pocket next to his pencils, as if it were a study in contrasting worlds.

It was this unrelenting desire, this hunger, this thirst for knowledge that led this former shoeshine boy from the sidewalks of New York, that led this longshoreman who had worked out in the cold with the swirling snow and the wintry winds about him, to his improbable destiny in the life of our Nation.

Having served honorably in the U.S. Navy during World War II as a gunnery officer aboard the U.S.S. *Quirinus*, he earned a doctorate from the Fletcher School of Law and Diplomacy in 1961. He taught briefly at both Harvard University and Tufts University and then worked in a series of high positions in the Kennedy, Johnson, Nixon, and Ford administrations. Now get that, high positions in four administrations—the Kennedy, the Johnson, the Nixon, and the Ford administrations. He became the first and only man ever to serve in the Cabinets or subcabinets of four successive Presidents.

What an outstanding career. What an outstanding man for that career. However, this was only the beginning, for this great thinker among politicians. He was also to become one of the finest politicians among thinkers.

A true visionary, Senator MOYNIHAN is the kind of philosopher-politician who the Founding Fathers had fervently hoped would populate the Senate. Men, who, like Socrates' philosopher-kings described in Plato's Republic, ''are awake rather than dreaming''—men who have broken the bonds of ignorance and have sought the truth of fine and just and good things, not simply the shapes and the half-defined shadows of the unthinking world; men who have shared the light of their learning, illuminating the path for others—some of whom always seem to be left in the dark.

If there is, in fact, one man among those of us in the Senate who truly epitomizes Socrates' philosopher-king, it is surely, indubitably, and without question, the senior Senator from the State of New York, Mr. MOYNIHAN.

With a pragmatic eye and a unique talent for seeing the issues that face our Nation on a larger scale—on a grand scale—Senator MOYNIHAN has spent most of his life breaking through the partisan politics inside this beltway. He possesses both a startling ability to foresee future problems, far beyond the ken of most men, and the courage to address these problems before they become apparent to common men. Issues that few others tackle with insight, such as Social Security, health care, and welfare reform, he has passionately addressed for many years—crossing party lines, challenging every administration—and all without personal concern for political backlash. Simply put, Senator MOYNIHAN states facts, the cold, hard truths that many others in high places refuse to face and that some are unable to see. His conscience is his compass, and his heart is steadied by his unfaltering belief in the power of knowledge and the possibilities of government.

As Senator MOYNIHAN steps away from his desk on the Senate floor for the final time—he will never step away from it in my memory. I will always see him at that desk. I will always see his face—that unkempt hair, the bow tie, the spectacles which he frequently readjusts. I can hear him say: ''sir; sir.''

As he steps away from his desk on the Senate floor for the final time, he will walk away with his head held high, with his legacy intact, and with a distinguished and singular place in our Nation's history well secured. He will always be looked to as a leader of men, as an author of many books—more books than most Senators have read—and as a compassionate intellectual who has no peer in this Senate, who has used his considerable talents to become one of the principal architects of our Nation's foreign policy and our Nation's social security safety net. He will be remembered thusly, for these and more.

U.S. Permanent Representative to the United Nations, author of the Welfare Reform Act of 1988 and the Intermodal Surface Transportation Efficiency Act of 1991, chairman of the Senate Committee on the Environment and Public Works from 1992 to 1993, chairman of the Senate Committee on Finance from 1993 to 1994, DANIEL PATRICK MOYNIHAN has left his indelible mark on this country.

He served as the chairman of that Finance Committee, one of the oldest of the few committees that sprang into being early, I believe it was in 1816. It was from that Committee on Finance that the Appropriations Committee was carved in 1867, a half century later. In the beginning, the Finance Committee handled both the finance and the appropriations business of the Senate. The Finance Committee was well led when DANIEL PATRICK MOYNIHAN sat in the chair.

I certainly will never forget the role that Senator MOYNIHAN played in our battle against the line-item veto. Like Socrates' quoting the shade of the dead Achilles in Homer's epic, the ''Odyssey,'' Senator MOYNIHAN would rather, '' 'work the Earth as a serf to another, one without possessions,' and go through any sufferings, than share their opinions and live as they do.''

Incapable of indifference and unable to sit by as others were paralyzed by ignorance, Senator MOYNIHAN rose up and fought the good fight—the just fight—and he won, sir. He won.

In the 24 years that Senator MOYNIHAN has walked the marble halls of the Capitol, he has graced us all with intellectual vigor and a stellar level of scholarship. He has helped us all to ascend the path of true knowledge and reach for wisdom. Each of us, Democrat and Republican alike, recognizes that when Senator MOYNIHAN speaks, we should listen for we may learn something that could fundamentally shift our thinking on a given matter. Senator MOYNIHAN has been a guiding light, a sage of sages, the best of colleagues, and always, always a gentleman—always a gentleman.

On this day, when I state this encomium in my feeble way—feeble because I cannot meet the challenge, strive though I must, I cannot meet the challenge to gropingly find the appropriate words to express my true and deep abiding admiration and love. I cannot find it for this man.

I have served with many men and women in this Senate. Everyone here knows of my great admiration for some of those men—I say ''men'' because, for the most part, of these more than two centuries, only men served in this body. Every colleague of mine knows of my deep admiration for certain former Senators—Senator Richard Russell, Senator Russell Long, Senator Lister Hill, Senator Everett Dirksen, and others—and yet Senator MOYNIHAN is uniquely unique. He is not the keeper of the rules as was Senator Russell. He is not the great orator that was Senator Dirksen, but this man is unique in his knowledge, in his grasp of great issues, in his ability to foresee the future and to point the way, always unassuming, always courteous, always a gentleman. Ah, that we could all be like this man!

I wish I could have been so fortunate as to sit in Senator MOYNIHAN's classes at Harvard or, to paraphrase Garfield, on a log in the West Virginia hills with PAT MOYNIHAN on one end and me on the other. That is the picture I have of one to whom I look up, one whom I admire and at whose feet I would gladly sit to learn the lessons, the philosophy, the chemistry of the times.

Erma and I offer our best wishes to his lovely and gracious wife Elizabeth as our esteemed colleague, Senator MOYNIHAN, embarks on yet another adventure—retirement. I thank him for being this special man, always a philosopher-Senator. He will be sorely missed here. Whence cometh another like him?

Herman Melville, in his classic work, Moby Dick, said this:

> There is a Catskill Eagle in some souls that can alike dive down into the blackest gorges and soar out of them again and become invisible in the sunny spaces. And even if he forever flies within the gorge, that gorge is in the mountains; so that even in his lowest swoop, the Mountain Eagle is still higher than the other birds upon the plain, even though they soar.

Many who have passed through these halls have soared, but very, very few could ever truly be likened to a Catskill Eagle.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. When I arrived at the Senate near 25 years ago, it was very clear to me that I would look to ROBERT C. BYRD as my mentor; and he has been. I have sat at the foot of this Gamaliel for a quarter century. As I leave, sir, he is my mentor still. I am profoundly grateful.

If I have met with your approval, sir, it is all I have hoped for. I thank you beyond words. And I thank you for your kind remarks about Elizabeth. And my great respect and regard to Erma.

Thank you, Mr. President.

Mr. BYRD. Mr. President, I thank the Senator.

REMEMBERING CARL ROWAN

Mr. BYRD. Mr. President, recently, a great voice was silenced when Carl Thomas Rowan passed away. As a newspaper columnist, he articulated the problems and predicaments of working Americans. As a Presidential advisor, Mr. Rowan spoke for the rights not only of minorities but also for all Americans who were getting the short end of the stick, as we say back in the West Virginia hills.

Carl Rowan and I came from similar backgrounds. We both grew up in poor coal-mining communities and we never forgot our roots. Carl often talked about growing up without running water, without electricity, without those basic amenities that so many people take for granted today. As they did for me, those humble beginnings provided Carl Rowan with the burning desire to make a difference in his community and in his country. And make a difference he did.

The only thing stronger than Carl Rowan's voice was his conviction. He stood for basic principles—equality and freedom—and those principles guided him at every step in his life. Earlier this year, Carl Rowan wrote:

> Men and women do not live only by what is attainable; they are driven more by what they dream of and aspire to that which might be forever beyond their grasp.

That ideal resonated not only in his columns but also in his life. Instead of simply bemoaning the fact that a college education was too expensive for many underprivileged children, Mr. Rowan in 1987 created the Project Excellence Foundation, which has made nearly $80 million available to students for academic scholarships. Instead of allowing the amputation of part of his right leg to slow him down, Mr. Rowan walked—and even danced; even danced—faster than doctors expected, and he then pushed for greater opportunities for the disabled. When others saw obstacles, Carl Rowan saw challenges. When others saw impossibilities, Carl Rowan saw opportunities. Instead of cursing the darkness, Carl Rowan lighted the candles.

Mr. Rowan wrote:

> Wise people will remember that the Declaration of Independence and the Preamble to our Constitution are mostly unattainable wishful thinking or make-believe assertions that were horizons beyond the reality of life at the time they were written.

Carl Rowan always reached beyond the horizon—he always went beyond the horizon—and he helped others to aspire to do the same. With the passing of Carl Rowan, journalism has lost one of its best, the underprivileged have lost a friend, and the Nation has lost a part of its social conscience.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOSEPH A. BALL

Mr. SPECTER. Mr. President, I have sought recognition to comment upon the death of one of America's great lawyers, Joseph A. Ball. On Saturday, the New York Times carried an extensive account of his background and history and accomplishments. I ask unanimous consent that at the conclusion of my remarks the copy of the New York Times article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. The Times article details the specifics on the positions held by Mr. Ball in the lawyers associations, his professorial associations as a teacher, his experience as a criminal lawyer, and his experience, most pointedly, as one of the senior counsel to the Warren Commission, the President's commission which investigated the assassination of President Kennedy. It was on the Warren Commission staff that I came to know Joe Ball.

The original complexion of the Warren Commission on staffing was that there were six senior counsel who were appointed and six junior counsel. That distinction was replaced by putting all of the lawyers under the category of assistant counsel. But if there was a senior counsel, it was Joe Ball.

Then, in his early sixties, he was a tower of strength for the younger lawyers. When the commission began its work, I was 33. Most of the junior lawyers were about the same age. We looked to Joe Ball for his experience and for his guidance. He had a special relationship with Chief Justice Earl Warren, which was also helpful because Joe Ball could find out what Chief Justice Warren had in mind in his capacity as chairman and provide some valuable insights that some of the younger lawyers were unable to attain.

Joe Ball worked on what was called area two, along with the very distinguished younger lawyer, David Belin from Des Moines, IA. Area two was the area which was structured to identify the assassin. Although the initial reports had identified Lee Harvey Oswald as the assassin, and on television, on November 24, America saw Jack Ruby walk into the Dallas police station, put a gun in Oswald's stomach and kill him, the Warren Commission started off its investigation without any presumptions but looking at the evidence to make that determination as to who the assassin was.

My area was area one, which involved the activities of the President on November 22, 1963. There was substantial interaction between the work that Joe Ball and Dave Belin did and the work which was assigned to me and Francis W.H. Adams, who was senior counsel on area one.

Frank Adams had been New York City police commissioner and had been asked to join the Warren Commission staff when Mayor Wagner sat next to Chief Justice Warren at the funeral of former Governor and former Senator, Herbert Lehman. Mayor Wagner told Chief Justice Warren that Frank Adams, the police commissioner, knew a lot about Presidential protection and had designed protection for motorcades in New York City, with dangers from tall buildings, which was an analogy to what happened to President Kennedy.

There was question as to how we would coordinate our work, and it was sort of decided that Joe Ball and Dave Belin would investigate matters when the bullet left the rifle of the assassin in flight, which was no man's land, and when it struck the President. That came into area one, which was my area: the bullet wounds on President Kennedy, the bullet wounds on Governor Connally, what happened with the doctors at Parkland Hospital, what happened with the autopsy, all matters related to what had happened with President Kennedy.

We had scheduled the autopsy surgeons for a Monday in early March. They were Lieutenant Commander Boswell, Lieutenant Commander Humes and Lieutenant Colonel Pierre Finck. The autopsy was done at Bethesda, where President Kennedy was taken, because of the family's preference that he go to a naval installation because he was a Navy man, so to speak, who had served in the Navy.

The testimony was to be taken on this Monday in March. There was quite a debate going on with the Warren Commission staff as to whether we should talk to witnesses in advance. It seemed to many of us that we should talk to witnesses in advance so we would have an idea as to what they would testify to so we could have an orderly presentation, which is the way any lawyer talks to a witness whom he is about to call. The distinguished Presiding Officer has been a trial lawyer and knows very well to what I am referring. There was a segment on the Warren Commission staff which thought we should not talk to any witnesses in advance, lest there be some overtone of influencing their testimony. Finally, this debate had to come

to a head, and it came to a head the week before the autopsy searchers were to testify.

And on Friday afternoon, Joe Ball and I went out to Bethesda to talk to the autopsy surgeons. It was a Friday afternoon, much like a Friday afternoon in the Senate. Nobody else was around. It was my area, but I was looking for some company, so I asked Joe Ball to accompany me—the autopsy surgeons falling in my area. We took the ride out to Bethesda and met the commanding admiral and introduced ourselves. We didn't have any credentials. The only thing we had to identify ourselves as working on the Warren Commission was a building pass for the VFW. My building pass had my name typed crooked on the line, obviously having been typed in after it was signed. They sign them all and then type them in. It didn't look very official at all.

So when Commander Humes and Commander Bozwell came down to be interviewed, Commander Humes was very leery about talking to anybody. He had gone through some travail with having burned his notes and having been subjected to a lot of comment and criticism about what happened at the autopsy, and there were FBI agents present when the autopsy was conducted. A report had come out that the bullet that had entered the base of the President's neck had been dislodged during the autopsy by massage. It had fallen out backward as opposed to having gone through the President's body, which was what the medical evidence had shown.

That FBI report that the bullet had entered partially into the President's body and then been forced out had caused a lot of controversy before the whole facts were known. Later, it was determined that the first shot which hit the President—he was hit by two bullets—well, the second shot, which hit him in the base of the skull, was fatal, entering the base of the skull and exiting at the top at 13 centimeters, 5 inches—the fatal wound. The first bullet which hit the President passed between two large strap muscles, sliced the pleural cavity, hit nothing solid and came out, and Governor Connally was seated right in front of the President and the bullet would have to have hit either Governor Connally or someone in the limousine.

After extensive tests were conducted, it was concluded that the bullet hit Governor Connally. There has been a lot of controversy about the single bullet theory, but time has shown that it is correct. A lot of tests were conducted on the muzzle velocity of the Oswald rifle. It was identified as having been Oswald's, purchased from a Chicago mail order store. He came into the building with a large package which could have contained the rifle. He said they were curtain rods for an apartment which already had curtains. The muzzle velocity was about 2,200 feet per second, and the velocity after traveling about 275 feet was about 1,900 feet per second.

At any rate, as Joe Ball and I went through it with the autopsy surgeons, we found for the first time—because we had only seen the FBI reports—that the bullet did go through President Kennedy and decreased very little in velocity. It was at that moment when we talked to Dr. Humes and Dr. Finck that we came to hypothesize that that bullet might have gone through Governor Connally. We didn't come to a conclusion on that until we had reviewed very extensive additional notes, but it was on that occasion that Joe Ball and I had interviewed the autopsy surgeons. It was a marvel to watch Joe Ball work with his extensive experience as a lawyer and as a fact finder.

He lived to the ripe old age of 97. The New York Times obituary had very extensive compliments about a great deal of his work and focused on his contribution to the Warren Commission, where he had written an extensive portion of the Warren Report, as he was assigned to area two which compiled a fair amount of the report.

America has lost a great patriot in Joe Ball, a great citizen, a great lawyer, and a great contributor. I had the pleasure of knowing him and working with him on the Warren Commission staff and have had occasion to reminisce with him about his work. I noted that on his office wall in California is his elegantly framed building pass.

In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

EXHIBIT 1

[From the New York Times, Sept. 30]

J.A. BALL, 97, COUNSEL TO WARREN COMMISSION

(By Eric Pace)

Joseph A. Ball, a California trial attorney who was a senior counsel to the Warren Commission, which investigated the assassination of President John F. Kennedy, died on Sept. 21 in Long Beach, Calif. He was 97 and a longtime resident of Long Beach.

At his death, Mr. Ball was a partner in the Los Angeles office of the Hawaii-based law firm Carlsmith Ball. He had been a partner in that firm and its predecessor in Los Angeles for five decades.

Mr. Ball, who wrote crucial portions of the commission's report, was selected for the commission by United States Chief Justice Earl Warren, who had come to know him in California's political world.

At that time, Mr. Ball was 61, a leading criminal lawyer, a member of the Supreme Court's Advisory Committee on the Federal Rules of Criminal Procedure and a professor at the University of Southern California Law School.

In January 1964, he was appointed as one of six senior lawyers who, each assisted by a younger colleague, were to handle one of six broad areas of inquiry.

Mr. Ball and David W. Belin, a lawyer from Des Moines who was chosen to assist him, concentrated on the area they called "the determination of who was the assassin of President Kennedy."

"About 10,000 pieces of paper were then rolled into my office; the written reports of various investigative agencies, including the F.B.I., the Dallas Police and the Central Intelligence Agency," Mr. Ball wrote in 1993. "During the first month of the investigation, we classified the information found in the reports by means of a card index system. This permitted the immediate retrieval of this information." Witnesses were also questioned during the inquiry.

Mr. Belin wrote in 1971, after the Commission's report had been criticized, that "despite the success of the assassination sensationalists in deceiving a large body of world opinion, the Warren Commission Report will stand the test of history for one simple reason: The ultimate truth beyond a reasonable doubt is that Lee Harvey Oswald killed both John F. Kennedy and J.D. Tippit on that tragic afternoon of Nov. 22, 1963."

Office Tippit was a Dallas police officer whom Oswald shot shortly before shooting Kennedy.

The commission's final report was sent to President Lyndon B. Johnson in September 1964.

Mr. Ball was a president of the American College of Trial Lawyers and of the State Bar of California.

The Joseph A. Ball Fund to benefit American Bar Association programs of public service and education and to honor excellent attorneys was named in his honor.

He was born in Stuart, Iowa, and received a bachelor's decree in 1925 from Creighton University in Nebraska and his law degree in 1927 from the University of Southern California.

He married Elinor Thon in 1931. After her death, he remarried. He also outlived his second wife, Sybil.

He is survived by a daughter JoEllen; two grandchildren; and two great-grandchildren.

Mr. Ball recalled in 1993: "In 1965, I called Chief Justice Warren on the telephone. I said, 'Chief, these critics of the report are guilty of misrepresentation and dishonest reporting.' He replied, 'Be patient; history will prove that we are right.'"

The PRESIDING OFFICER (Mr. KYL). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG FIGHTING AGENCIES

Mr. GRASSLEY. Mr. President, I am often critical of this Administration's happy-go-lucky ways when it comes to drug policy. The administration is like the grasshopper in the old fable. It's out there fiddling around when it ought to be working. That said, I do not mean this criticism to detract from the fine work done by the many men and women in our law enforcement agencies. These fine people risk their lives every day to do important and difficult work on behalf of the public.

I want to take a moment to highlight some of the achievements and invaluable service provided to this nation by the men and women of the Drug Enforcement Administration (DEA), the U.S. Customs Service, and the U.S. Coast Guard. As chairman of the Senate Caucus on International Narcotics Control, I would like to express my

thanks and make known the tremendous pride that I think we should all have in the good people in these agencies.

The men and women of the DEA, Customs, and the Coast Guard are dedicated to the protection of the United States and to ensuring the safety of our children and our lives from the devastating effects of the drug trade. They are called on daily to place their lives in harm's way in an effort to keep our nation secure. When they are boarding smugglers' vessels on the seas. When they stop terrorists at the border. When they investigate narcotics trafficking organizations around the globe. When they dismantle clandestine methamphetamine labs, engage in undercover operations, safeguard our ports of entry, or shut down ecstasy peddling night clubs, these fine people risk their lives and well being for all of us.

DEA efforts this year include Operation Mountain Express, which arrested 140 individuals in 8 cities, seized $8 million and 10 metric tons of pseudoephedrine tablets, which could have produced approximately 18,000 pounds of methamphetamine. In addition, DEA's Operation Tar Pit, in cooperation with the FBI, resulted in nearly 200 arrests in 12 cities and the seizure of 41 pounds of heroin. The heroin ring they busted was peddling dope to kids, many of whom died. DEA, in conjunction with State and local law enforcement, has also aggressively dismantled hundreds of clandestine methamphetamine labs that poison our urban streets and rural communities.

The United States Customs Service has seized over 9,000,000 Ecstasy tablets in the last 10 months. Ecstasy is an emerging problem that affects not only our large cities but many rural areas, including my home State of Iowa. In addition, their Miami River operations have resulted in the seizure of 18 vessels, mostly arriving from Haiti, and over 7,000 pounds of cocaine—a small portion of the over 122,000 pounds of cocaine seized this fiscal year. Finally, the Customs Service has seized over 1 million pounds of marijuana and over 2,000 pounds of heroin as well, often in very risky situations.

Coast Guard successes this year include a record-breaking seizure total of over 123,000 pounds of cocaine, including many major cases in the Eastern Pacific. This effort went forward even while still interdicting over 4,000 illegal alien migrants bound for U.S. shores. In addition, the deployment of two specially equipped interdiction helicopters in Operation New Frontier had an unprecedented success rate of six seized go-fast vessels in six attempts.

Finally, as announced last month, a joint DEA and Customs investigation—supported by the Coast Guard and Department of Defense—concluded a 2 year multinational case against a Colombian drug transportation organization. The result was the arrest of 43 suspects and the seizure of nearly 25 tons of cocaine, with a retail street value of $1 billion. Operation Journey targeted an organization that used large commercial vessels to haul multi-ton loads of cocaine. This organization may have shipped a total of 68 tons of cocaine to 12 countries in Europe and North America.

I believe we should all be proud of the jobs these folks do on our behalf.

FAST PITCH IS FOUL BALL

Mr. GRASSLEY. Mr. President, the administration is at it again. Late last month, it issued its findings from the latest Household Survey on drug use in America. You would have to look fast to find anything about it. As usual, the administration chose to release the information when no one was looking. And as usual, they did this hoping no one would notice. Given that the majority of the press did not bother to do more than rephrase the press release from the Department of Health and Human Services, it would be hard to figure out just what the 300-odd page report actually said anyway. But neither the press release nor the news accounts do justice to what is not happening. What is not happening is the fact that the drug use picture is not getting any better.

When it comes to drugs, the administration just can't say it straight.

It continues the trend of its incumbency of labeling bad news or good news and counting on the press to not look beyond the hype. In releasing the latest data, Secretary Shalala says that the report shows the continuing downward trend in drug use. She remarked at the press conference that, ''We've not only turned the corner—we're heading for home plate,''—suggesting that the report shows that the administration has hit a home run.

I'm not sure at which game Secretary Shalala is playing, but the most generous interpretation is that she clearly is not reading her own reports or her staff is not telling her what's in them. She needs new glasses or new staff. Despite this happy talk, even HHS's own press release notes that, ''Illicit drug use among the overall population 12 and older remained flat.'' That may be a home run down at HHS but in plain English that means ''no change.'' In my book, ''flat'' does not mean continuing a downward trend.

I suppose in an election year ''no change'' in how many people are using drugs is a sign of success. Least ways, that's how this administration sees it. Or, wants you and me to see it. But when you actually get down into the numbers, this ''success'' is not all it appears to be. It shares something with the Cheshire cat—it disappears when you look at it. In true Alice in Wonderland logic, down is not always not up. To follow Shalala's analogy with baseball, what we have here is not a home run but the runner rounding the bases on a foul ball.

Before I get to actual numbers, let me say something on background about this year's report. The thing to note is that the administration has changed the methodology for how it collects data for the report. Why is that important? Here's what the report says: ''Because of the differences in methodology and impact of the new survey design on data collection, only limited comparisons can be made between data from the 1999 survey and data from surveys prior to 1999.''

Now, in those years since 1993, that data show dramatic increases in drug use on this administration's watch. During each of those years, however, the administration tried to put a ''spin'' on the information, calling bad news good news. Instead of doing that any more, they have decided to play hide and seek with the information. Don't like the results? Well . . . Change the way you figure them and declare success. As with the Cheshire cat, pretty soon all you're left with is the smile. Even this little bit of sleight of hand, however, does not wholly work.

It's really very simple. There has been no significant change for the better in the rate of past month drug use on this administration's watch. More seniors graduating from high school today report using drugs than in any year since 1975. Almost 55 percent of high school seniors now report using an illegal drug before graduation.

Use of heroin among young people is on the rise. We are in the midst of a methamphetamine epidemic. If reports are accurate, we are awash in Ecstasy and its use among the young is accelerating. The rate of illicit drug use has increased in six out of the last seven years.

The administration tries to hide this fact by reporting on a decline of use among 12–17-year-olds in hopes no one will notice an increase among 18–25-year-olds. But this is a statistical game. Although there is an unfortunate trend in the onset of drug use at earlier ages, onset begins most typically among 15–18-year-olds. By including the earlier years in the count, you disguise the true rate of increase.

Even allowing for the moment that the administration spin is true, however, does not change the fact that youthful use of drugs continues spiraling upwards.

Today's use levels are 70 percent higher than when this administration took office. The numbers are not getting better. Yet, we have another report and another press release touting victory. This is shameful and to call it anything else is a sham.

And just as bad, fewer kids are reporting that using illicit drugs is dangerous—a sure sign of future problems. Especially at a time when we have a well-monied, aggressive legalization campaign that this administration has done little to counter. And this despite a $200 million-a-year ad campaign aimed at exactly these age groups that

this administration touts as a success. The most optimistic thing a recent GAO report had to say about this much-troubled effort is the hope that it might do better.

The administration also continues the game of trying to hide its record by lumping the increasing use figures on its watch with the decreasing use figures in earlier administrations. I have complained repeatedly about this gimmick. This is just plain deception.

Mr. President, I am often critical of this administration's happy-go-lucky ways when it comes to drug policy. The administration is like the grasshopper in the old fable. It's out there fiddling around when it ought to be working. That said, I do not mean this criticism to detract from the fine work done by the many men and women in our law enforcement agencies. These fine people risk their lives every day to do important and difficult work on behalf of the public.

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I believe we should all be proud of the jobs these folks do on our behalf.

Mr. SESSIONS. Will the Senator yield for a comment on his previous remarks?

Mr. GRASSLEY. I am happy to yield to the Senator.

Mr. SESSIONS. I thank Senator GRASSLEY for speaking forthrightly and with integrity. He chairs our drug caucus in the Senate. He personally travels his State and has led efforts against methamphetamines, Ecstacy, and other drugs. He understands those issues clearly.

He is correct; there is too much spin. These drugs do not justify the positive spin being put on them. During the administrations of Presidents Bush and Reagan, I served as a Federal prosecutor. According to the University of Michigan Authoritative Study of Drug Use Among High School Students, drug use fell every single year for 12 consecutive years; it jumped after this administration took office. They have, in fact, made a number of mistakes that have undermined the progress made.

I appreciate serving with Senator GRASSLEY on the drug caucus and in the Judiciary Committee where we have discussed these issues.

Mr. GRASSLEY. I thank the Senator from Alabama for the support he has given to the drug caucus. Most importantly, he is a regular attender of our meetings and hearings. His support and interest in this issue, particularly coming from his background as a U.S. attorney, have been very helpful to the work of the drug caucus as well. I thank him for that.

ENERGY POLICY

Mr. GRASSLEY. Mr. President, I indicate to my colleagues I will take a few minutes to speak about the administration's energy policy; however, as I think about it, it is better to entitle it the administration's ''no energy'' policy.

Mr. President, I rise today to express my frustration and anger with the Clinton/Gore administration's lack of an energy policy.

Each weekend I travel back to my home state of Iowa. In recent weeks I have spent many hours explaining to my constituents why fuel prices are so high, and unfortunately, explaining why prices will likely rise past current levels. I've continually had the displeasure of looking truckers and farmers in the eye and telling them there is no relief in sight.

In my home state we are experiencing price levels not seen in a decade, but all I can tell my farmers and truckers is that it is likely going to get worse.

In recent weeks, the price of crude oil reached more than $37 a barrel, the highest price in 10 years. Natural gas is $5.10 per million Btu's, double over a year ago. Heating oil in Iowa is around $1.25 a gallon, up 40 cents from this time last year. And propane, a critical fuel which farmers use to dry grain, is up 55 percent since last year.

These increases are simply unacceptable. Iowans and the rest of the nation should not have been subjected to these price spikes.

Unfortunately, it is the Clinton/Gore administration's lack of an energy policy over the past 7½ years that have directly led to the situation we are facing today. Mr. President, two weeks ago, Vice President GORE stated, and I quote: ''I will work toward the day when we are free forever from the dominance of big oil and foreign oil.''

Yet, since 1992, U.S. oil production is down 18 percent—the lowest level since 1954. At the same time, U.S. oil consumption has risen 14 percent.

The result: U.S. dependence on foreign oil under the Clinton/Gore administration has increased 34 percent. We now depend on foreign oil cartels for 58 percent of our crude oil, compared to just 36 percent during the Arab oil embargo of 1973.

Some may be wondering how we got here. The answer is clear. This administration is opposed to the use of coal. Opposed to nuclear energy production. Opposed to hydroelectric dams. Opposed to new oil refineries; 36 have been closed, but none has been built in the past eight years. And, this administration is opposed to domestic oil and gas exploration and production.

This administration opposes nearly every form of domestic energy production.

They do, however, support the use of clean, efficient, and domestically produced natural gas. Currently, 50 percent of American homes are heated with natural gas. In addition, 15 percent of our nation's electric power is generated by natural gas. And while demand for natural gas is expected to increase by 30 percent over the next decade, the administration has not provided the land access necessary to increase supply.

As this map demonstrates, federal lands in the Rocky Mountains and the Gulf of Mexico, along with offshore areas in the Atlantic and the Pacific, contain over 200 trillion cubic feet of natural gas. Access to this land could provide the resources necessary to meet current demand for nearly ten years.

Unfortunately, this land and millions of acres of forest are either closed to exploration or effectively off limits. Simply put, our nation's producers can't meet demand without greater access to the resources God gave us.

I am a strong supporter of alternative and renewable energy. I have been a leader in the Senate in promoting alternative energy sources as a way of protecting our environment and increasing our energy independence.

My support for expanding the production of ethanol, wind and biomass energy has directly led to the increased use of these abundant renewable energy resources. But right now, these are only part of the solution, and President Clinton and Vice President GORE know that.

The administration does not have a plan to deal with our current energy needs. I believe the solution is clear.

It is time to support and encourage responsible resource development—using our best technology to protect our environment—to increase domestic energy production. It is time to make use of the vast resources this great country has to offer. Only then will we be free from so much dependence on foreign sources of energy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation to Senator GRASSLEY for his wise remarks about our energy policy. Certainly natural gas is the cleanest burning of our fossil fuels. We will need it more and more because every electric powerplant that is being built is a natural gas plant. The Senator makes an outstanding and valuable point that we have to do a better job of producing more.

(The remarks of Mr. SESSIONS and Mr. HUTCHINSON pertaining to the introduction of S. 3143 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Arkansas.

AN ATTACK ANSWERED

Mr. HUTCHINSON. Mr. President, when I was elected to the House of Representatives back in 1992, I spent 2 years serving in the minority—2 years; in 1993 and 1994—before the Republican victories in the 1994 elections brought about the first Republican majority in the House of Representatives in 40 years.

Having now been on the majority side for 5½ years, I am very appreciative of the 2 years I served in the minority. Having had the experience of knowing what it is to be in the minority, to have the agenda set by the majority side, to have the frustration of having vote after vote in which you come up on the short end, is important. I think it helps me in understanding the frustrations the other side has experienced. It also helps me understand now, being in the majority, how hard it is to lead and to govern.

I remember in those first 2 years, we were pretty organized in lobbing criticisms and lobbing objections and in presenting our agenda to the American people. We didn't have to worry about legislating. We didn't have to worry about passing anything. We didn't have the votes to do that. But we could do a lot in framing the debate.

As we approach the end of this session, it is much easier to criticize in the minority than to govern in the majority. It is easy to say no; it is easy to find even the slightest flaw with a legislative proposal as a rationale for opposing it and blocking it. When you are in the majority, the job of calling up tough bills, debating the very tough issues, taking the very tough votes, that is what governing is about.

That is why I have come to the floor this afternoon. I believe an attack unanswered is an attack assumed.

Last week, Senator BYRD, for whom I have the greatest admiration, came to the floor and noted that few Members in this body have ever witnessed how the Senate is really supposed to function. I concur with that; I agree entirely. I believe it takes a commitment, a commitment from both sides of the aisle to complete our appropriations obligations in a timely fashion and to ensure the Senate is governing and functioning the way it is supposed to.

The fact is, there are a number of Senators who don't seem to want bills signed into law but who want issues. Why? Because it is easier to demagogue an issue than it is to legislate an issue. So who gets left holding the buck? Who gets the blame if legislation, for any reason, does not pass? It is clearly the majority in the Congress who will get blamed if the Government shuts down, as we have already found out. It is those who are in the majority in Congress, clearly, who get the blame.

In terms of another Government shutdown, I assure the American people and my colleagues that despite any dispute over issues pending, the Government will not shut down if we have anything to say about it or anything to do about it, if it can be prevented in any way. Social Security checks will be delivered, health care services under Medicare will be funded, and our Nation's veterans will not be left out in the cold.

That being said, we still have 11 appropriations bills unsigned and multiple unrelated issues on the table. The education of our kids, prescription drugs, and a Patients' Bill of Rights are all there, still on the table. Since these unrelated issues seem to get tossed around a great deal, let me talk about them plainly for a few minutes and why the minority continues to insist on their passage by holding up our Nation's spending bills.

First of all, in the area of education, the other side maintains that we are not having a debate on education in the 106th Congress. I suggest that the other side of the aisle doesn't really want a bill; they want an issue. They say that unless we vote for their few education proposals, which, by the way, would concentrate even more power in the Department of Education, we are not having a debate on education. I think that is not fair, and it is not accurate.

During the 106th Congress, we have already voted six times on the class size reduction initiative. Six times we have all been called upon to cast our vote, to go on the record, even though that has been misconstrued and misrepresented to the American people. We have been willing to debate it. We have been willing to cast votes a half dozen times during this Congress alone.

As my distinguished colleague from Alabama pointed out, the Department of Education has failed to pass an audit for 3 years in a row. They can't even account for how the money is being spent currently. So it is not unreasonable that many of us have reservations in giving them more power and more authority in the area of school construction and the hiring of 100,000 new teachers.

According to the Congressional Daily Monitor, a press conference was held recently with Treasury Secretary Larry Summers and Education Secretary Dick Riley, ''demanding that Republicans accept their positions.'' So after voting six times against the class size reduction initiative in the Senate, you would think the attitude would not be their way is the only way. Our side of the aisle has been more than accommodating in providing funding that was reserved for class size reduction. In the fiscal year 2001 Labor-HHS appropriations bill, Republicans have appropriated the $1.3 billion for class size reduction in the title VI State grant so that schools who want to use the funding for this initiative are able to do so. But schools that have already achieved the goal of class size reduction or have more pressing problems can use the funding for other priority items such as professional development or new textbooks.

One would think that is a reasonable, acceptable compromise, a middle ground. But instead, we hear the other side saying: It is our way or no way. We are going to block the appropriations bills unless you do it exactly the way we want it. They contend, again, unless we are voting for class size reduction, we are avoiding the issue of education, even though we have already voted on class size reduction six times in this Congress.

The Democrats considered bringing this issue up again in the HELP Committee just last week as an amendment to a bipartisan bill to fully fund the IDEA program. If a debate on education is what the other side really wants, then why did they object to multiple unanimous consent requests on the reauthorization of the Elementary and Secondary Education Act to keep the debate on education?

The ESEA debate was moving along very well on the Senate floor. There was a consensus that only a few amendments should be offered and they should be germane. They should relate to education. But then on the other side of the aisle there were those who objected to those agreements to keep the debate limited to education. I know that I and my colleagues on this side of aisle would be more than willing to return to S. 2, the reauthorization of this critical elementary and secondary education bill, to debate education, if we would simply have that agreement to limit the amendments not to everything under the sun, not to prescription drugs and a Patients' Bill of Rights and minimum wage and everything else, but to limit that debate to education.

I am not going to allow Members on the other side of the aisle to have it both ways. You claim that we are not dealing with education and then object to agreements to keep education debates on education bills. I suggest you are looking for an issue, not the passage of legislation.

Then on the issue of prescription drugs, my distinguished colleague from Illinois, Senator DURBIN, last week—I had the opportunity to preside as he made this speech, but I want to quote him—said:

> On the other side, they make a proposal which sounds good but just will not work. Under Governor Bush's proposal on prescription drugs, he asserts for 4 years we will let the States handle it. There are fewer than 20 States that have any drug benefits. Illinois is one of them, I might say. His home State of Texas has none. But he says let the States handle it for 4 years. Let them work it out. In my home State of Illinois, I am glad we have it, but it certainly is not a system that one would recommend for the country. Our system of helping to pay for prescription drugs for seniors applies to certain illnesses and certain drugs. If you happen to be an unfortunate person without that kind of coverage and protection, you are on your own.

The PRESIDING OFFICER (Mr. BUNNING). The Senator's time has expired.

Mr. HUTCHINSON. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I know Senator MCCAIN is waiting. I appreciate very much his graciousness.

The fact is, while Senator DURBIN made that comment, every State does have a Medicaid program that offers prescription drugs today. In addition, they have State employee drug programs already in existence. These programs are separate from the State pharmaceutical assistance programs, of which 25 currently exist. So Senator DURBIN's argument is unfair and unjustified because the money given to the States is not required to be used to only start a new pharmaceutical assistance program.

They can be used to expand the existing Medicaid drug programs. So Governor Bush's helping hand drug plan provides greater assistance to low-income seniors, and provides it now, while Vice President GORE's plan requires an 8-year phase-in for those drug benefits. So I suggest that we are getting a lot of demagogy.

The Patients' Bill of Rights is the final issue I wanted to talk about, but I will reserve that for another time. I will say this, and say it clearly: We have an active conference that has been working, and working hard. We had numerous votes on the Patients' Bill of Rights. We had endless amendments in the committee on the Patients' Bill of Rights. To suggest this isn't a deliberative body, as the Democratic leader suggested last week, is unfair. This issue has been debated, and debated thoroughly. It is the Democrats who stifled the debate by walking out on the conference in the spring. We can still have a Patients' Bill of Rights enacted if we have cooperation. There are two sides to every story, and both should be told. Let's not allow two competing agendas to prevent us from getting our work done on the spending bills. They are too important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTOR VEHICLE AND MOTOR VEHICLE EQUIPMENT DEFECT NOTIFICATION IMPROVEMENT ACT

Mr. MCCAIN. Mr. President, first I want to discuss an issue that is of sometimes importance, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act.

Last week, the Commerce Committee reported S. 3059, the Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act. The bill is in response to the systemic failure of the National Highway Traffic Safety Administration and the motor vehicle industry to share information that could have prevented the fatalities that resulted in the recent recall of millions of Bridgestone/Firestone tires.

The key provisions of the bill would insure that NHTSA has the information that it needs from manufacturers to make sound decisions, including information about recalls in foreign countries. This legislation would increase penalties to deter manufacturers from withholding valuable information about recalls and establish appropriate penalties for the most egregious actions that place consumers in danger. It would also require NHTSA to upgrade the Federal motor vehicle safety standard for tires, which has not been updated since its adoption more than 30 years ago.

It is my understanding that a few Members have placed holds on this bill for various reasons—I think there are two—including opposition to the inclusion of criminal penalties for violating motor vehicle safety standards. Clearly, each member is entitled to place a hold on measures to which they object, but I hope that members can understand the importance of acting on the key provisions of this bill before Congress adjourns.

The criminal penalties provision in this bill have been the subject of much discussion. The provision is intended to allow for the assessment of criminal penalties in instances where a manufacturer's conduct is so egregious as to render civil penalties meaningless. An article in this week's Business Week, addresses the application of criminal penalties to such conduct. It reports that "prosecutors have been waking up to the fact that criminal sanctions may be a more effective deterrent and punishment than the worst civil penalties." Furthermore, a criminal penalties provision is not a novel inclusion. Multiple agencies are authorized to assess criminal penalties, including, among others, the Department of Labor, the Consumer Product Safety Commission, and the Environmental Protection Agency.

Already, NHTSA has linked more than 100 deaths to these tire failures. Last week, NHTSA announced that other models of Bridgestone/Firestone tires may be defective as well. We must act quickly to correct the problems that could lead to further loss of life. As I have repeated throughout the process, I am willing to work with my colleagues to address their concerns so that this vital legislation may be passed prior to the adjournment of this Congress.

In summary, more than 100 people have died. It is clear that we need this legislation. It is supported by the administration and by every consumer group in America. It passed through the Commerce Committee unanimously. I intend to come to the floor and ask that we consider this piece of legislation.

I expect those who are putting a hold on this bill to come forward and give their reasons for putting a hold on this

very important safety bill. We are talking about the lives of our citizens. This is a serious issue. That is why I intend to come to the floor again and ask that we move the bill. I hope those Senators who object will come forward and state their objections or remove their so-called holds on the bill.

CONFERENCE REPORT FOR ENERGY AND WATER APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. McCAIN. Mr. President, this year's energy and water appropriations bill is very critical, particularly at a time when our Nation is facing rising gas and energy prices, national security disasters at federal facilities, and massive backlogs to complete multimillion projects for water infrastructure. That is why I am utterly disappointed that the final agreement for this bill blatantly disregards these national priorities in favor of special interests giveaways.

Mr. President, approving the annual budget is among our most serious responsibilities. We are the trustees of billions of taxpayer dollars, and we should evaluate every spending decision with great deliberation and without prejudice.

Unfortunately, each year, I am constantly amazed how the appropriators find new ways to violate budget policy. Appropriators have employed every sidestepping method in the book to circumvent Senate rules and common budget principles that are supposed to strictly guide the appropriations process. The excessive fodder and trickery have never been greater, resulting in the shameless waste of millions of taxpayer dollars. This final report is no exception.

This year's final agreement for the energy and water appropriations bill is only a minor reflection of the previous Senate-passed bill.

A grand total of $1.2 billion is added in pork-barrel spending, a figure that is three times the amount from the Senate-passed bill and about $400 million more than the amount of last year's total. I have twenty-one pages of pork-barrel spending found in this report.

An additional $214 million is provided for designated ''emergency'' spending.

The latest epidemic here as we approach the appropriations issue, in order to avoid any budget restraints that may be remaining—and there are few—is the designation of ''emergency spending.''

Explicit directives are included for favorable consideration of special interest projects; and more than 30 policy riders are added in to conveniently sidestep a fair and deliberative legislative review.

I rise today to tell my colleagues that I object.

I object to the $1.2 billion in directed earmarks for special interest projects in this bill. I object to sidestepping the legislative process by attaching erroneous riders to an appropriations bill. I object to speeding through appropriations bills without adequate review by all Members. I object to the callous fashion which we disregard our national interests in favor of pet projects.

Some of my colleagues have said that the pork doesn't really matter much in these spending bills because it's not a lot of money. But, Mr. President, adding billions more in pork barrel spending is a lot of money to me and to the millions of American taxpayers who are footing the bill for this spending free-for-all.

While America's attention has been focused on the Olympic games in Sydney, Australia, our constituents back home may be interested to know that a gold medal performance is taking place in their own government. If gold medals were awarded for pork-barrel spending, then the budget negotiators would all be gleaming in gold from their award-winning spending spree.

However, I doubt many Americans would be appreciative if they knew that this spending spree will be at their expense with money that should be set aside to provide tax relief to American families, shore up Social Security and Medicare, or pay down the federal debt.

The figures speak for themselves. Again, this year's grand pork total is close to $400 million more than the amount from last year's bill and more than three times the amount included in the recent Senate passed bill.

Unless I am grievously mistaken, I was under the distinct and very clear understanding that the purpose of Senate-House appropriations conferences are to resolve differences only between the two versions and make tough decisions to determine what stays in the final agreement. As a rule, no new spending could be added.

The rules are flung out the window once again. The overall total budget for this year's conference agreement has been fattened up by as much as $2 billion more than the House bill, and about a billion more than both the amount included in the Senate-passed bill and the amount requested by the administration.

Let me give this to you straight. You have a certain amount passed by the Senate and a certain amount by the House. They are supposed to go to conference and reconcile their differences. Instead of that, we add billions of dollars in conference, and neither Senate nor House Members, nor members of the Appropriations Committee have a voice or a vote. That is disgraceful—disgraceful.

Each year, appropriators employ new spending tricks to avoid sticking to allocations in the budget resolution. It has become quite clear that these closed-door conferences, which no other Member can participate in or have any voting privileges, is simply another opportunity for members to take another trip to the trough to add in millions previously unconsidered for individual member projects.

What was described earlier in the Senate this year as a ''modest'' bill has now become a largesse take-home prize for many Members. Numerous earmarks are provided for such projects that, while on its own merit may not be objectionable, were not included in the budget request or tacked on without any review by either the Senate or the House.

For example, within this final agreement, nearly 250 earmarks are added for individual Army Corps projects which are clearly not included in the budget request, and, more than 150 Army Corps projects were given additional amounts about the budget request.

The inconsistency between the administration's request, which is responsible for carrying out these projects, and the views of the appropriators on just how much funding should be dedicated to a project, is troubling. As a result, various other projects that may be equally deserving or higher in priority do not receive an appropriate amount of funding, or none at all.

This year's budget for Army Corps has been inflated to $4.5 billion in funding for local projects. Yet, we have no way of knowing whether, at best, all or part of this $4.5 billion should have been spent on different projects with greater national need or, at worst, should not have been spent at all. There's no doubt we should end the practice of earmarking projects for funding based on political clout and focus our resources in a more practical way, instead, on those areas with the greatest need nation-wide.

Other earmarks are rampant in this bill that appear that are clearly demonstrative of wasteful spending at the expense of taxpayers:

An earmark of $20 million was added in during conference, without previous consideration by either the House or Senate, for an unauthorized project in California, the CALFED Bay-Delta restoration project. Certainly, I have no objections to restoring the ecological health of the Bay Delta area, however, any amount of funding for unauthorized projects flies in the face of comments by the managers who pledged not to fund unauthorized projects.

Also, $400,000 is earmarked for aquatic weed control in Lake Champlain, Vermont. This particular earmark has resurfaced in appropriations bills for at least the past three years and it appears a bit preposterous that we continually fund a project such as this on an annual basis which has nebulous impacts on our nation's energy and security needs.

An earmark of $800,000 is provided to continue work on ''a detailed project report'' for a project in Buchanan County, Virginia. Government spending is truly getting out of control if nearly a million dollars is necessary simply to compile a report.

Another earmark of $250,000 is included for a 'study' of drainage problems in the Winchester, Kentucky area. Granted, I do not object to trying to fix any water problems facing any local

community, but is a quarter of a million really necessary to only study the problem and not fix it?

More padded spending includes $150,000 to determine what the ''federal interest'' is for a project in southeastern Pennsylvania. Why is $150,000 necessary to determine if the federal government should care about a specific project? Dozens of earmarks like this one, in the hundreds of thousands each, are riddled throughout this conference report without any explanation as to why such high amounts of funding are justifiable.

Among the worst pork in this bill are earmarks that will benefit the ethanol industry, a fiscal boondoggle industry that already reaps substantial benefits from existing federal subsidies at the expense of taxpayers. It is a blatant insult to taxpayers to ask them to supplement the ethanol industry even more by spending $600,000 for ethanol production at the University of Louisville, and $2,000,000 for the design and construction of a demonstration facility for regional biomass ethanol manufacturing in southeast Alaska.

My colleagues will note that each of these earmarks have a specific geographic location or institution associated with them. Is there another organization besides the one proposed in southeast Alaska that could design and construct a demonstration facility for regional biomass ethanol manufacturing?

A similar earmark of $2 million is included for this specific Alaskan ethanol manufacturing facility in the Interior appropriations bill this year. So they have $4 million for one specific spot without any authorization and without any discussion.

There is $4.5 million for the removal of aquatic growth in Florida, which is about $1.2 million higher than the budget request;

An additional $250,000 for the Texas Investigations Program, for which no explanation is provided as to what constitutes an ''investigations'' program;

$2,000,000 for the multi-year demonstration of an underground mining locomotive and an earth loader powered by hydrogen in Nevada;

And, $3,000,000 to establish a program the University of Nevada-Las Vegas for Department-wide management of electronic records.

Get this, all of my colleageus who have a college or university in their State: $3 million at the University of Nevada Las Vegas for department-wide management of electronic records;

$2,000,000 for the Discovery Science Center in Orange County, California;

$2,000,000 for the Livingston Digital Millennium Center at Tulane University; and

$2,000,000 for modernization upgrades at the University of South Carolina.

How are any of these earmarks directly related to the national security and energy interests of our nation?

Also, the tactic of using the ''emergency funding'' stigma returns strongly in this bill. I am very disappointed to see that the Appalachian Regional Commission will not only be funded again this year, but it is also the recipient of an ''emergency appropriation'' of $11 million.

My dear friends, the Appalachian Commission was established as a temporary commission in 1965. Somehow this year it needs to be the recipient of $11 million for ''emergency appropriations.'' My curiosity is aroused as to what the emergency is at the Appalachian Regional Commission. This commission was established as a temporary commission in 1965, but has managed to hook itself into the annual appropriations spending spree to extend its so-called temporary life to 35 years. This program singles out one region for special economic development grants when the rest of the nation has to rely on their share of community development block grant and loans.

Certainly, the Appalachian region does not have a monopoly on poor, depressed communities in need of assistance. I know that in my own state, despite the high standard of living enjoyed in many areas, some communities are extremely poor and have long been without running water or sanitation. It would be more cost-beneficial to provide direct assistance to impacted communities, again based on national priority, rather than spending millions each year for a commission which may have outlived its purpose.

Again, I remind my colleagues that I do not object to these projects based on their merit nor do I intend to belittle the importance of specific projects to local communities. However, it is no surprise that many of these earmarks are included for political glamour rather than practical purposes. Members can go back to their districts to rally in public parades, trying to win favor by bringing home the bacon.

The House of Representatives passed this conference report last Friday by a majority margin, despite the fact that most of the voting Members did not have adequate time, if any at all, to review the contents of this report. This is another appalling demonstration to the American public of the egregious violation of one of our most sacred duties—ensuring the proper use of taxpayer dollars. How can we make sound policy and budget decisions with this type of budget steam-rolling?

I know I speak for many hardworking Americans when I express my hope for reform in the way the Congress conducts the business of the people so that we might reclaim the faith and confidence of those we are sworn to serve. Yet, we are mired in another yearly ritual of budget chaos. Sadly, the only message that we send to the American public is that our budgetary process is at an all-time low.

Unfortunately, this may be only a foreboding of what is to come at this end of year final budget negotiations. The end-of-year rush to complete the fiscal year 2001 budget is outpaced only by the rush to drain the taxpayers' pockets and deplete the budget surplus.

At the end of the day, special interests win and the taxpayers lose. It's a broken record that the American people are tired of listening to.

I will vote against this bill and any other appropriations bill that so flagrantly disregards our fiscal responsibility and violates the trust of the American people.

Today's Wall Street Journal article by David Rogers is a very enlightening one, in case some of my colleagues and friends have not read it.

In the scramble to wrap up budget negotiations, Congress could overshoot the Republicans' spending target for this fiscal year by $35 billion to $45 billion.

The willingness to spend reflects a new synergy between President Clinton, eager to cement his legacy, and the GOP leadership, increasingly worried about losing seats in November and more disposed to use government dollars to shore up candidates. While the largest increases are in areas popular with voters—education, medical and science research, land conservation, veterans' care and the military—the bargaining invites pork-barrel politics on a grand scale, with top Republicans leading the way.

Just this weekend, for example, a bidding war escalated over highway and transit projects that are part of the transportation budget to be negotiated this week. House Speaker Dennis Hastert of Illinois opened the door by asking to add legislative language to expedite the distribution of about $850 million for Chicago-area transit projects. While the Hastert amendment wouldn't add directly to next year's costs, it became an excuse for others to pile on.

The Virginia delegation jumped in early, winning the promise of $600 million to help pay for a bridge over the Potomac River. By late Friday night, dozens of projects for both political parties were being added. House Transportation Committee Chairman Bud Shuster laid claim to millions for his home state of Pennsylvania. Mississippi, home of Senate Majority Leader Trent Lott, is in the running for funds in the range of $100 million. In all, the price tag for the extras tops $1.6 billion.

The whole enterprise, which could yet collapse under its own weight, dramatizes a breakdown in discipline in these last weeks before the November elections. In the spring, the GOP set a spending cap of $600 billion for the fiscal year that began yesterday—a number that was never considered realistic politically.

After devoting long summer nights to debating cuts from Mr. Clinton's $626 billion budget, Republicans will end up appropriating significantly more than that. If total appropriations rise to between $635 billion and $645 billion or even higher, as the numbers indicate, the ripple effect will pare surplus estimates by hundreds of billions of dollars over the next 10 years.

I cannot overemphasize the importance of this. We have the rosy scenario of a multitrillion dollar surplus in the years ahead, and if we keep spending this kind of money, everybody knows that the surplus will disappear. There is an open and honest debate as to whether we should have tax cuts or whether we should save Social Security, Medicare, or pay down the debt. We are not going to be able to do any of it if we are spending this kind of money. I was told by a Member not

long ago that if we agree to what is presently the overspending in this budget, it could mean as much as $430 billion out of the surplus in the next few years.

Both an $18.9 billion natural-resources bill and a $23.6 billion measure that funds energy and water programs are expected to be sent to the White House, and the transportation bill soon could follow. The Republican leadership believes it has reached a compromise to free up the measure funding the Treasury and the operations of the White House and Capitol.

That still leaves the heart of the domestic budget—massive bills funding education, health, housing and environmental programs. Negotiations on those bills are hovering near or even above the president's spending requests.

The natural-resources bill agreed to last week illustrates the steady cost escalation: The $18.9 billion price tag is about $4 billion over the bill passed by the House in June.

In a landmark commitment to conservation, the legislation would devote as much as $12 billion during the next six years, mainly to buy lands and wildlife habitat threatened by development. As the annual commitment grows from $1.6 billion to $2.4 billion in 2006, more and more dollars would go for sorely needed maintenance work in the nation's parks.

Regarding the national parks, that is something with which I don't disagree.

I have suggested from time to time when my colleagues say there is nothing we can do because the President has the leverage over us in order to shut down the Government for which we would get the blame, if just once, with one appropriations bill, just one, we could send to the President a bill that doesn't have a single earmark, have a single legislative rider on it, then we would go into negotiations of the issue with the President with clean hands. When we add billions in pork barrel spending on our appropriations bills and then go into negotiations with the President, there is no difference except in priorities. It is wrong.

I have been spending a lot of time campaigning around the country for candidates for the House and for the Senate, and for our candidate for President, my party's candidate for President and Vice President of the United States. I can tell my colleagues, clearly the American people have it figured out. They don't like it. They want this practice to stop. They want us to fulfill a promise we made in 1994 when we asked them and they gave us the majorities in both Houses of Congress.

Mr. President, this appropriations pork barreling has got to stop. I intend to come to the floor with every bill, and if it keeps on, I will then take additional measures. We all know what is coming up: The train wreck. If it is as much as $45 billion more then our original $600 billion spending cap, I am not sure how such action is justified.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The clerk will report the motion to proceed.

The assistant legislative clerk read as follows:

A bill (S. 2557) to protect the energy security of the United States and decrease America's dependence on the foreign oil source to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Has there been a time agreement on the legislation just proposed?

The PRESIDING OFFICER. We have until 5:30 when we have a scheduled vote on another matter.

Mr. CRAIG. Mr. President, I will consume up to 15 minutes of time in relation to the energy issue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CRAIG. Mr. President, I came to the floor to speak on this important issue before the Senate and to talk once again to my colleagues about what I believe to be the dark cloud of a national emergency. The American consumer has begun to detect a problem because the price of gasoline at the pump has gone up 25 or 30 percent in the last year. When they begin to pay their home heating bills this winter, I think they will recognize where the problem lies.

We have had the President and the Vice President trying to position themselves politically over the last month and a half on energy because of the spike in prices, but frankly they have articulated little. Now just in the last week we have had the Vice President present an energy policy for the country, and we have had Governor George Bush talking about an energy policy that he would propose.

Here is why these things are happening. Finally, I hope, the American people are beginning to focus on the very critical state of the availability of energy in this country, to run the economy, to make the country work, turn the lights on, move our cars, and do all that it takes to run an economy based on a heavy use of energy.

We are now importing between 56 to 58 percent of our crude oil needs. Some will remember that during the era of the oil embargo of the mid-1970s we were only importing 35 percent of our needs. Even at that time there were gas lines and fighting at the gas pumps because American consumers were frustrated over the cost of gas. What I am saying, America, is we no longer control our energy availability, our energy supplies, our energy needs.

Is it any wonder why prices have more than tripled in the last 2 years from a low of about $11 per barrel of crude oil to a high late last month of $38? The reason is somebody else is setting the price by creating either a scarcity of supply or by the appearance that there would be a scarcity of supply. It is not American producers controlling prices and supply, it is foreign producer countries.

The items we do control in the marketplace are demand and supplies we might be able to produce from our own resources. Natural was selling for $2 per 1,000 cubic feet last year, just a year ago, and on Friday of last week natural gas was selling for $5.20 for every 1,000 cubic feet. That is better than a doubling of that price.

As winter approaches, Americans likely will face the highest energy prices ever. Let me say that again. As the winter approaches, Americans are going to awaken to the highest energy prices they have ever paid. If the winter is colder than usual, energy prices will be even higher.

Electricity prices will move right along with gas and oil because many of the electrical-generating facilities of our country are fueled by natural gas. While petroleum and natural gas supplies appear to be adequate, no one can doubt that the supply and demand for crude oil, natural gas, and other energy sources is very tight, resulting in increased prices for these commodities. While many observers believe supplies of oil and natural gas will be sufficient to meet our needs in the coming months, I am concerned these important resources will likely remain in very short supply and, therefore, will be very costly to the American consumer.

I believe, and I mean this most sincerely, as a member of the Senate Energy Committee who for the last 10 years has tried to move policy and has seen this administration either say ''no'' by the veto or ''no'' by the budget, I sincerely believe the Clinton-Gore administration, by its failure to produce a national energy policy, is risking a slowdown, perhaps even a downturn, in this economy.

Some expect energy prices to remain high throughout the first quarter of 2001, above $30 a barrel for oil and as high as $4 per thousand cubic feet for natural gas. If this is true and that cost ripples through the economy, then they—and by ''they'' I mean the Clinton administration—are truly risking a slowdown in the economy. This means Americans will be paying more than $1.50 per gallon of gas and perhaps twice as much as they paid for residential natural gas use last year. Driving, heating homes, providing services and manufacturing goods will be much, much more expensive under this new high-cost energy economy.

It is not only the price at the pump you worry about anymore; it is the plastics; it is the supply of goods; it is everything within our economy that is made of the hydrocarbons that will go up in price. Since energy costs are

factored into the cost of all goods and services, we can expect food, appliances, clothing—essentially everything—to become more expensive. As these costs rise, the amount of capital available for investment automatically begins to decline, pulling the economy down along with it. As we devote more of our money to the daily need for energy, we have less to spend on the goods and services that we need, the goods and services that have fired our economy. As budgets shrink, consumers will be forced to make hard choices. If we have to spend 10 or 15 percent more of our income to fill up the tank or to buy the services and goods that are energy intensive, then, of course, we will have less money to spend elsewhere.

We are in this undesirable position not because we are short on energy resources such as oil, natural gas, or coal; we are here because this administration, in my opinion, has deliberately tried to drive us away from these energy sources. Look at their budgets and look at their policy over the last 8 years. AL GORE himself has spoken openly about how much he hates fossil fuels, how he wants to force the U.S. off fossil fuels no matter the cost. He has proposed many times to do so. Twice in the last 8 years the Clinton-Gore administration has tried to drive up the cost of conventional fuels. Isn't that interesting? Just in the last few weeks they have been trying to drive down the costs by releasing crude oil from the Strategic Petroleum Reserve into our market, but for the last 8 years it has been quite the opposite. America, are you listening? Are you observing? Why this change of heart? Why this change of personality?

First, Clinton and GORE proposed a Btu tax, which the Republican Congress defeated. They had to settle for a 4.3-cent gas tax. The Republicans in every way tried to resolve that and to eliminate it, but that was how they spread it into the market. They took that and said: We are not going to use it for highway transportation as we have historically done. We want it for deficit reduction.

During debate on the Btu tax, the administration admitted that its intent was to encourage conservation, or discourage use, and therefore cause us to move more toward renewable energy sources by dramatically increasing the cost of conventional fuels. In other words, tax America away from gasoline and oil.

Next, the Clinton-Gore administration designed the Kyoto Protocol. We all know about that. That is the great international agreement that will cool the country, cool the world down because the Administration asserts that the world is warming due to the use of fossil fuels. They said it is necessary that we do it, critically important that we do it. But if implemented, it would substantially penalize the nations that use fossil fuels by forcing reductions in fossil fuel usage. The Vice President has publicly taken credit for negotiating this document.

I don't think you hear him talking much about it today. He is a bit of a born-again gas and oil user of in last couple of weeks. But clearly for the last 8 years that is all he has talked about, his Kyoto Protocol, penalizing the user nations to try to get them to use less energy, all in the name of the environment. The protocol could result in a cost of nearly $240 per ton of carbon emissions reduction.

What does that mean to the average consumer out there who might be listening? This results in a higher cost of oil and gas and coal. What would it mean? About a 4-percent reduction in the gross domestic product of this country. If we raise the cost of those three items—oil, gas, and coal then we will drive down the economy 4-percent. Simply translated, that means thousands and thousands of U.S. jobs would be lost and our strong economy weakened. Yet the Vice President takes credit for flying to Tokyo and getting directly involved in the negotiations of the Kyoto Protocol. This is AL GORE's document. Yet he talks very little bit about it today.

Why is this administration so wholeheartedly committed to forcing us to stop using fossil fuels at almost any cost? Because they buy into the notion that our economic success has been at the expense of the world's environment. I do not buy into that argument. I think quite the opposite is true. I believe our success has benefited the world. Our technology is the technology that the rest of the world wants today to clean up their environment, to make their air cleaner, to make their water more pure. It is not in spite of us; it is because of us that the world has an opportunity today, through the use of our technology, to make the world a cleaner place to live.

The challenge now is to ensure we go on in the production of these technologies through the growth and the strength of our economy so we can pass these technologies through to developing nations so they can use them, whether it be for their energy resources or whether it is simply to create greater levels of efficiency, and a cleaner economy for their people.

The message to Vice President GORE is don't shut us down. Let us work. Let us develop. Let us use the technologies we have and expand upon them. You don't do that through the absence of energy. You don't do that with 2,300 windmills spread across the Rocky Mountain front. You do that by the use of what you have, to be used wisely and hopefully efficiently at the least cost to provide the greatest amount of energy that you can to the economy.

To ensure that we all succeed, we must pay attention to our strengths. The United States has an abundant supply of oil, natural gas, and coal, and we must, if we wish to have an influence on the price of these commodities, develop our own resources in an intelligent, responsible, and environmentally sound way.

Were we to produce oil from the Arctic National Wildlife Refuge, we could produce up to 1.5 million barrels of oil a day. Some say that will destroy the refuge. Envision the refuge in your mind as a spot on a map, and compare it to putting a pencil point down on the map of the United States. The impact of that pencil point on the map of the United States is the same impact as drilling for oil in the Arctic National Wildlife Refuge.

Shame on you, Mr. President, for vetoing that legislation a few years ago. If you had not, we might have 1.5 million barrels of additional crude oil a day flowing into our markets for 30-some years. We would not have to beg at the throne of OPEC. We would not have to go to them with our tin cup, saying: Would you please give us a little more oil? Your high prices are hurting our economy.

The President was not listening in 1995 when he vetoed that legislation. Other oil and gas resources can come from production from the Federal Outer Continental Shelf and from onshore Federal lands in the Rocky Mountain front. The abundance of our crude oil and the abundance of our gas is phenomenal. Yet, a year ago, in the northeastern part of the United States in New Hampshire, AL GORE, now a candidate for President of the United States, said he would stop all drilling. He does not want us to drill anywhere, and he would do it in the name of the environment.

These resources can be obtained today, under the new technologies we have, with little to no environmental impact. When we have finished, if any damage has occurred, we clean it up, we rehabilitate it, and the footprint that was made at the time of development is hardly noticeable. That is what we can do today.

There is no question that the road to less reliance on oil, natural gas, and coal is a responsible one, but it is a long one. You do not shut it off overnight without damaging an economy and frustrating a people.

We have these resources, and they are in abundance. We ought to be producing them at relatively inexpensive cost to the American consumer while we are investing in better photovoltaic and solar technologies and biomass, wind, and all of the other things that can help in the total package for energy.

The problem is simply this: This administration stopped us from producing additional energy supplies at a time of unprecedented growth in our economy. Of course, that economy has been based on the abundance and relatively low costs of energy.

Creating punitive regulatory demands, such as the Btu tax and the Kyoto Protocol, is not the way to go if you want an economy to prosper and you want the opportunities of that economy to be affordable and benefit

all of our citizens. Such policies create—the policies of which I have spoken, Btu tax and Kyoto Protocol—winners and losers. The great tragedy is that the American consumer ultimately becomes the loser.

The path to stable energy prices is through a free market that rewards efficiency and productivity and does not punish economies for favoring one form of energy over another. The American consumer will make that decision ultimately if he or she has an adequate number of choices in the marketplace.

The Vice President, in his recent speech on energy, simply repeated the tired, old rhetoric of the Carter administration and every Democrat candidate in past presidential elections. Each placed reliance on solar, wind, and other renewables and on energy conservation—all admirable goals that Presidents Reagan and Bush also encouraged, but Presidents Reagan and Bush supported renewables with the clear understanding that renewables could not be relied upon to replace fossil-fuel-fired electrical generating capacity that currently supplies our baseload of electricity. And that baseload demand will continue to rise as our economy grows.

Presidents Reagan and Bush also recognized that somehow the automobile was not just going to disappear overnight and that it was not going to be replaced by electric cars within the near future. They understood that. They rewarded production and encouraged production. For 8 years now, domestic oil and gas production has been discouraged and restricted, and the American consumer is paying the price at the pump. This winter the American consumer will also pay a dramatic price as their furnaces turn on.

Can it be turned around overnight? Absolutely not. We must begin to invest in the business of producing, whether it be electricity or whether it be oil from domestic reserves or gas. It is there. It awaits us. We simply have to reward the marketplace, and the marketplace will produce. We cannot continue to squeeze it, penalize it, and refuse access to the supplies the American consumer needs.

It is a simple message but a complicated one, especially complicated by an administration that says: No, no, no, let the wind and the Sun make up the difference. Probably not in my lifetime or in the lifetime of any of the youngest people listening today can and will that be possible. But a combination of all of those elements of energy coming together—hydro, nuclear, or the production of crude oil and gas from our own reserves, supplies from abroad, and renewables and conservation—will be necessary to carry us through a crisis that clearly could spell a major hit to our economy.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. THOMAS. I understand the order of business is the energy bill.

The PRESIDING OFFICER. The Senator is correct. We are on the motion to proceed.

Mr. THOMAS. I thank the Chair.

As I have said before, energy is terribly important to all of us. It is particularly important to those of us who come from producer States. But perhaps if you come from a part of the country where there is no production and the cost continues to go up, you are even more concerned. In New England, that is pretty much the case.

In any event, we do have a problem in energy and we have to find solutions. We have two very different points of view in terms of what our needs are and how we meet them.

Many wonder, of course, why gas and diesel prices are so high. Heating oil will be very expensive. I come from a production State, and it wasn't long ago that oil in our oil fields was bringing less than $10 a barrel. Now, of course, in the world price, we are up in the thirties. Part of that, of course—I think the major part—is that we have relatively little impact on the price. We have allowed ourselves, over a period of time, to become dependent upon importation of oil. We have not had, in my view, an energy policy. We have had 8 years of an administration that really has not wanted to deal with the idea of having a policy in terms of where we are going.

I have become more and more convinced—it is not a brand new idea, but I think it doesn't often get applied—that we have to set policies and goals for where we need to be over a period of time. And then, as we work toward that, we can measure the various things we do with respect to attaining that goal. If our goal is—and I think it should be—that we become less dependent upon imported oil, then we have to make some arrangements to be there. That has not been the case.

This administration, on the other hand, has basically gone the other way and has indicated that we ought to reduce our domestic production. In fact, our consumption requirements have gone up substantially over the last couple of years—about 14 percent. During the same period of time, domestic production has gone down approximately 17 percent.

In 1990, U.S. jobs in exploring and producing oil and gas were about 400,000 or 500,000 people. In 1999, the number of people doing the same thing was about 293,000—a 27-percent decline.

Why is this? Part of it is because we haven't really had this goal of how we were going to meet our energy demands and then measure some of the things that have brought us to where we are. On the contrary, the policy pursued from this administration has been one that has made domestic production even more difficult than it was in the beginning—and more difficult than it needs to be, as a matter of fact.

So I guess you can talk about releasing oil from our strategic storage. I don't make as big a thing out of it as some, but that is not a long-term answer. It is a relatively small amount of oil compared to our usage—about a day and a half's usage—and it is not going to make a big difference in terms and no difference to where we are in being able to have domestic production in the future. I set that aside. I only warn that that can't be offered as a solution to the energy problem. That seems to be about all this administration is prepared to do.

On the contrary, going back over some time, in 1993 the first Btu tax increased the cost of a gallon of gas about 8 cents. The compromise was about 3 cents, with the Vice President casting the deciding vote. Now, of course, the effort is to manipulate the price of the storage oil, but it won't do that. As I said, it is only about 1 and a half day's supply.

We find our refineries now producing at about 95-percent capacity, partly because of some of the restrictions placed on these facilities. Some have gone out of business, and practically none has been built. We find natural gas, of course, becoming increasingly important. Fifty percent of U.S. homes and 56 million people rely on natural gas for heating. It provides 15 percent of our power. It will provide more in that this administration has also moved basically against the use of coal, which is our largest producer of electric energy, instead of finding ways to make coal more acceptable. The coal industry has been working hard on that. We have low-sulfur coal in my State. This administration has pushed against that, and we have therefore had less use than we had before.

So what do we do? I think certainly there are a number of things we can do. There does need to be a policy. A policy is being talked about by George Bush, which is supported generally here in the Senate—that would be No. 1—to help low-income households with their energy bills and put some more money in as a short-term solution to help with the low-income energy assistance program. We can do that. We can direct a portion of all the gas royalty payments to that program and offset some of the costs over time. We are always going to have the need, it seems to me, regardless of the price, for low-income assistance. We can do that. And we can establish a Northeast management home heating reserve to make sure home heating is available for the Northeast. We should use the Strategic Petroleum Reserve only in times of real crises—not price, but crises such as the wars of several years ago.

We need to make energy security a priority of U.S. foreign policy. We can

do a great deal with Canada and Mexico. It seems we ought to be able to exercise a little more influence with the Middle East. Certainly, we have had a lot to do with those countries in the past—being helpful there. I think we can make more of an impact in Venezuela than we have. I think we can support meetings of the G–8 energy ministers, or their equivalent, more often.

Maybe most importantly, we have lots of resources domestically, and instead of making them more difficult to reach, we ought to make it easier. I come from a State that is 50-percent owned by the Federal Government. Of course, there are places such as Yellowstone Park and Teton Park where you are never going to do minerals and should not. Much of that land is Bureau of Land Management land that is not set aside for any particular purpose. It was there when the homestead stopped and was simply residual and became public land. It is more multiple use. We can protect the environment and continue to use it—whether it is for hiking, hunting, grazing, or whether indeed for mineral exploration and production, as we now do.

This administration has made it difficult to do that. We can improve the regulatory process. I not only serve on the Energy Committee, but on the Environment and Public Works Committee. Constantly we are faced with new regulations that make it more difficult, particularly for small refineries, to live within the rules. Many times they just give it up and close those. We can change that. It depends on what we want to do with the policy. It depends on our goals and what we want to do with domestic production and whether or not these kinds of things contribute to the attainment of those goals. It is pretty clear that they don't.

I think we can find ways to establish clear rules to have some nuclear plants that are safe, so they indeed can operate. They are very efficient. We talk about the environment. They are friendly to the environment. We need to do something. Of course, if we are going to do that, as they do in France and the Scandinavian countries, we can recycle the waste, or at least after a number of years we can have a waste storage at Yucca Mountain, NV. This administration has resisted that entirely, as have many Members on the other side of the aisle.

So these are all things that could be done and are being talked about. We are talking about breaching dams. I think everybody wants to look for alternative sources. We ought to use wind and solar. But the fact is that those really generate now about 2 percent of the total usage that we have. Maybe they will do more one of these days. I hope they do. We have some of that in my State as well. As a matter of fact, my business built a building about 20 years ago, and we fixed it up with solar power. I have to admit it didn't work very well. It works better now, and we can continue to make it work better, but it is not the short-term answer to our energy problems.

We can do something with ANWR. I have gone up to the North Slope of Alaska. You can see how they do the very careful extraction. You have to get the caribou out of the way. But you can see what is going on. That can be done. I am confident it can be done.

Those are some of the things that are suggested and which I think ought to have real consideration. It is difficult sometimes to try to reconcile environmental issues. I don't know of anyone who doesn't want to do that. Environmental protection has to be considered, but it doesn't mean you have to do away with access.

Quite frankly, one of the real problems we have in some States is how to use open spaces. We are doing something in my State about protecting the environment and protecting public land. Too many people say you just shouldn't use it for anything at all. When some States, such as Nevada and others, are up as high as 85 percent in Federal ownership, I can tell you it is impossible to have an economy in those States and take that attitude. On the other hand, I am persuaded that we can have reasonable kinds of programs that allow multiple use and at the same time protect the future use of those lands. It seems to me those are the kinds of things we ought to be doing.

It is very difficult. It is certainly easy to set energy policy back, particularly when the price has gone up as it has. I think all of us remember a year or so ago when the price at the gas pump was down as low as 86 cents a gallon. Now in my State it is as high as $1.60. You think about it a lot more when it is $1.60 than when it is 86 cents. We didn't complain much about the producers then. But now we are pretty critical. We need a policy.

That is the opportunity we have in this Congress—to really establish some of the byways and roadways to help us achieve a reduction on our dependency on foreign oil. We need to move toward changes in consumption and in the way we travel. I have no objection to that. The fact is, that is going to take time. The economy, the prosperity, and the security of this country depends a great deal on an ample and available energy source. It requires an energy policy. It requires the administration to step up to the plate and work with this Congress to continue to work to establish an energy policy.

That is our task. That is our challenge. I think it is a necessary movement in order to continue to have freedom and economic prosperity.

I yield the floor. 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. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. DASCHLE. Madam President, we are about to cast a vote at 5:30. I think in many ways this is a very difficult situation. I come to the floor this afternoon expressing my gratitude to the distinguished chair of the Energy and Water Subcommittee and certainly to the ranking member, the Senator from Nevada, our extraordinary assistant Democratic leader, for the great work they have done in responding to many of the issues and concerns that our colleagues have raised. I think in large measure it is a very balanced bill.

Unfortunately, we were unable to resolve what is a very significant matter relating to the Missouri River and the precedent that it sets for all rivers. The Corps of Engineers must, from time to time, update the master manual for the rivers that it manages. Unfortunately, some of our colleagues on the other side of the aisle have indicated that they were unwilling to compromise with regard to finding a way they could address their concerns without calling a complete halt to a multiyear process that has been underway to revise and update a master manual that is now over 40 years old. That is the issue: a manual that affects thousands of miles of river, hundreds of thousands, if not billions, of dollars of revenue generated from hydroelectric power, navigation, irrigation, municipal water, and bank stabilization.

There is perhaps no more complicated management challenge than the one affecting the Missouri and, for that matter, the Mississippi Rivers.

So our challenge has been to address the concerns of the two Senators from Missouri in a way that recognizes their legitimate questions regarding the Corps' intent on management, and also to recognize that there are stretches of the river both affecting the Mississippi in downstream States as well as all of the upstream States that also must be addressed, that also have to be worked out, that have to be recognized and achieved in some way.

We have gone to our distinguished colleagues on the other side on a number of occasions indicating a willingness to compromise, indicating a willingness to sit down to try to find a way to resolve this matter. I must say, we have been rebuffed at every one of those efforts. So we are left today with no choice.

What I hope will happen is that we can vote in opposition to the bill in numbers sufficient enough to indicate our ability to sustain a veto; the President will then veto this legislation, as he has now noted publicly and privately on several occasions; and that we come down together to the White House, or anywhere else, work out a

compromise, work out some suitable solution that accommodates the Senators from Missouri as well as all other Senators on the river. That is all we are asking.

It is unfortunate that it has to come to this, to a veto. I warned that it would if we were not able to resolve it. I am disappointed we are now at a point where that appears to be the only option available to us.

Before he came to the floor, I publicly commended the chair of the Energy and Water Subcommittee for his work. And I will say so privately to my colleagues that what he has done and what the ranking member has done is laudable and ought to be supported. But the overriding concern is a concern that has been addressed now on several occasions. It was my hope that it was a concern that could have been addressed in a way that would have avoided the need for a veto. Unfortunately, that is not the case. So we are left with no choice, Madam President. I regret that fact.

I hope that my colleagues will understand that this legislation is important. I hope after the veto, after it is sustained—if that is required—we can go back, get to work, and find the compromise that I have been seeking now for weeks, and find a way with which to move this legislation along.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Could I make a parliamentary inquiry?

Are we scheduled by unanimous consent to vote at 5:30 on the conference report?

The PRESIDING OFFICER. The Senator is correct.

Mr. DASCHLE. Madam President, will the Senator from New Mexico yield?

Mr. DOMENICI. I am pleased to yield.

Mr. DASCHLE. As I understand it, the senior Senator from Montana would like a minute or two to talk on this subject. Perhaps it would be better for him to do it now, and then you could close the debate, if that would be appropriate.

Mr. DOMENICI. I was just going to ask. I saw him on the floor and he mentioned he might want to speak. I need about 6 minutes, so could you take the intervening time before the 6 minutes?

Mr. BAUCUS. I say to my colleague, I need only 5 or 6 minutes.

Mr. DOMENICI. I only need about 6 minutes. I will yield the rest to the Senator.

Mr. BAUCUS. I inquire of the minority leader and the Senator from New Mexico if we could get perhaps an extra 5 minutes before the vote.

Mr. DASCHLE. Madam President, it appears we have 10 minutes remaining before the vote.

I ask unanimous consent that the vote occur at 5:32 and the time be equally divided.

Mr. DOMENICI. Thank you.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I strongly urge my colleagues to vote against adoption of the Conference Report for the Energy and Water Appropriations. Section 103 is an anti-environmental rider that prevents the sound management of the Missouri River.

As my colleagues will recall, during Senate consideration of this bill last month, Senator DASCHLE and I proposed to delete this provision. Unfortunately we were not successful.

Now, rather than attempting to work out a compromise, the conferees have included the very same language in the conference report before us tonight.

I will not repeat all of the arguments made in the earlier debate about why this amendment is bad for the river and the people of my state. The important point is, nothing has changed from that debate and the need to remove this rider remains as true today as it did then.

First, the Army Corps of Engineers is managing the Missouri River on the basis of a master manual that was written in 1960 and hasn't changed much since then.

Today, conditions are much different. Priorities are different.

Under the current master manual—40 years old—water levels in Ft. Peck lake are often drawn down in the summer months, largely to support barge traffic downstream, which is an industry that is dying and, according to the Corps' own analysis, has much less economic value than the recreation value upstream.

These drawdowns have occurred time and time again. Their effect is devastating: Moving ramps to put boats in the lake a mile away, severely curtail boating and fishing that are enjoyed by thousands of Montanans and tourists alike. They also reduce the numbers of walleye, sturgeon, and other fish.

The drawdowns are the big reason why eastern Montana has been getting an economic raw deal for years. More balanced management of the Missouri River, which takes better account of upstream economic benefits, is absolutely critical to reviving the economy in that part of our State.

Now there has been some talk that the proposed split season will affect hydropower production. While detailed studies are not yet complete, in fact, the Corps estimates that the split season will have ''essentially no impact to the total hydropower benefits.'' So there really should be no doubt. The split season is a better deal for Montana. It is a better deal for the whole river.

Of course, this rider is about more than just Ft. Peck.

It also prevents the Corps of Engineers from obeying the law of the land. Specifically, the Endangered Species Act.

If we create a loophole here, there will be pressure to create another loophole somewhere else. And then another. Before you know it, the law will be shredded into tatters.

We all know the Endangered Species Act is not perfect. I believe we need to reform it so it will work better for landowners and for species.

We are working hard to pass returns, but those reforms haven't passed. So the Endangered Species Act remains the law of the land, and we have to respect it. And so should the Corps.

Forget about the species for a minute. Think about basic fairness. We require private landowners to comply with the Endangered Species Act.

Why should the Federal Government get a free pass?

The answer is, they should not. The Army Corps of Engineers should be held to the same standard as everybody else, and the Corps agrees.

We have a public process in place, to carefully revise the master manual. It's been underway for 10 years.

Now, at the last minute, when the end is in sight, a rider in an appropriations bill would derail the process by taking one of the alternatives right off the table.

That's not fair. It's not right. It's not the way we ought to make this decision.

Instead, we should give the open process that we began ten years ago a chance to work.

We should give people an opportunity to comment on the biological opinion and the environmental impact statement.

So the final decision will not be made in a vacuum.

But this rider makes a mockery of that process. The rider allows for an extensive period for public comment. But then it prohibits the public agencies from acting on those comments.

A better way is to allow the agencies and the affected parties to continue to work together to strike a balance to manage this mighty and beautiful river: for upstream states, for downstream states, and for the protection of endangered species; that is, for all of us.

Mrs. BOXER. Madam President, along with many of my colleagues, I voted in support of an amendment to the energy and water appropriations bill when it moved through the Senate to strike an anti-environment rider from that bill. Unfortunately, that amendment failed and the rider remains in the conference report we consider today.

For that reason, I must vote against this legislation. I understand that the President has indicated that he will veto this legislation because of this antienvironment provision.

The antienvironment rider included in this bill stops changes in the management of the Missouri River called for by existing law. Those changes would ensure that the river is managed not only for navigation, but also for

the benefit of the fish and wildlife that depend on the river for survival.

It is critical that those changes go into effect promptly because without them several endangered species may become extinct.

The Missouri River management changes that this antienvironment rider blocks are called for by a 600-page Fish and Wildlife Service study. The study is itself based upon hundreds of published peer-reviewed studies, and would modify the 40-year-old Corps of Engineers policy of managing the flows of the Missouri River primarily to benefit a $7 million downstream barge industry.

That old Corps policy is largely responsible for the endangerment of three species—the piping plover, the least interior tern, and the pallid sturgeon—that depend upon the river for survival. Two other fish species are also headed toward extinction.

It is very unfortunate that this provision was included in a bill that otherwise has much to commend it.

I appreciate the conferees' hard work in crafting a bill that funds several important California priorities. The Hamilton Wetlands Project funded in this bill would restore approximately 1,000 acres to wetlands and wildlife habitat at Hamilton Army Airfield. The American River Common Elements funded in this bill would result in 24 miles of levee improvements along the American River and 12 miles of improvements along the Sacramento River levees, flood gauges upstream of Folsom Dam, and improvements to the flood warning system along the lower American River. Finally, the Solana Beach-Encinitas Shoreline Feasibility Study funded in this bill would assist both cities in their efforts to battle beach erosion, and would provide needed data for the restoration of these beaches. Projects such as these are extremely important to California.

Because of these and the other benefits of this bill for California, I find it unfortunate that I must vote against this legislation. I do so, however, because a vote for this bill is a vote to support an antienvironment rider that may well lead to the irreversible damage of causing the extinction of several endangered species.

I expect that this legislation will be taken up by the Senate without this rider in the next few weeks, and that we will move forward with important energy and water projects without doing irreversible damage to our environment.

Mr. MCCAIN. Madam President, during a statement I made on the Senate floor today regarding various pork-barrel spending in the final conference report for the FY 2001 energy and water appropriations, I incorrectly referred to a $20 million earmark for the CALFED Bay-Delta restoration project. I was informed by the Senate Energy and Natural Resources Committee that the conference agreement does not include any funding for this specific California project. I wanted to state for the RECORD that I will correct my statement that will be included on my Senate web page and remove this reference to the CALFED project.

Mr. ROBB. Madam President, I intend to vote against the energy and water appropriations conference report this afternoon. I support the vast majority of the bill, in fact, there are a number of projects I have worked for years to have included. But, once again, in addition to those projects, an anti-environmental rider was also attached to this legislation.

The President has announced his intention to veto this bill because of that anti-environmental rider. So we will be back here in the next few days considering this legislation again. And I have been assured that when we take up this legislation again, our Virginia projects will be included, since they are not the subject of the dispute. I hope that in the intervening period, we can remove the rider which would prevent the Corps of Engineers from reviewing its procedures to protect the Missouri river and its environment.

Mr. HARKIN. Madam President, I rise today in continuing concern over the National Ignition Facility, a massive stockpile stewardship facility being built at the Department of Energy's Lawrence Livermore Labs in California. This program has been beset by cost overruns, delays, and poor management. The House in its Energy & Water bill included $74.1 million for construction of NIF. The Senate adopted an amendment I offered that capped spending at the same level, and also requested an independent review of the project from the National Academy of Sciences.

I know the Chairman and Ranking Member of the Subcommittee each have their own concerns about NIF, and I greatly appreciate their efforts to bring this program under control. But frankly I am disappointed in what has come out of conference. The funding for NIF construction has risen from $74 million to $199 million. $74 million in the House, $74 million in the Senate, and $199 million out of conference.

That is a lot of money to spend on a program that is out of control. Projected costs of constructing this facility have almost doubled in the last year. We don't know if the optics will work. We don't know how to design the target. Even if the technical problems are solved, we don't know if the National Ignition Facility will achieve ignition. We don't even know if this facility is needed. DOE's recent ''rebaselining'' specified massive budget increases for NIF for several years, but, despite Congressional requests, did not say where this money would come from or what impact it would have on the stockpile stewardship program.

This is the time to slow down, conduct some independent studies, reconsider how we can best maintain the nuclear weapons stockpile and whether this risky program really is critical to that effort. Instead we are saying full steam ahead.

It is true that part of the money, $69 million, is held back until DOE arranges for studies of some of these issues and certifies that the program is on schedule and on budget. These issues are critical to future Congressional action on NIF. Unfortunately, the bill does not clearly specify who will conduct those studies.

I wish we could entrust DOE with these reviews, but history suggests they have not earned our trust. A recent article in the journal Nature describes ten years of failed peer review on this project: so-called ''independent'' reports that were not independent, that were written by stacked panels with conflicts of interest, that even were edited by project officials. A recent GAO report notes that reviews ''did not discover and report on NIF's fundamental project and engineering problems, bringing into question their comprehensiveness and independence.'' DOE is currently under threat of a second lawsuit regarding violations of the Federal Advisory Committee Act in NIF studies.

We need a truly independent review. I am pleased that the Chairman and Ranking Member agreed to join me in a colloquy on this concern, and hope the studies mandated in this bill will be fully independent and credible. Otherwise, I fear that the $199 million we are appropriating will be poured down a bottomless pit with the $800 million already spent. We've seen this happen too many times, with the Superconducting Supercollider, the Clinch River Breeder Reactor, the Space Station, and on and on. I will continue to strive to protect our taxpayers, keep our nuclear stockpile safe, and end wasteful spending on NIF before more billions are spent.

Mr. ASHCROFT. Madam President, I rise today in support of the conference report on the energy and water appropriations bill. This is a very important bill, for it contains a provision that will protect the citizens of Missouri from a risky Administration scheme to flood the Missouri River Basin. Section 103 of this bill is a provision that is necessary for the millions of Americans who live and work along the Missouri and Mississippi Rivers. This is the section of the bill that was subject to an amendment to strike when the Senate considered this legislation on September 7, 2000. The Senate defeated the attempt to strike at that time, and I want to thank the subcommittee chairman, Senator DOMENICI, for maintaining Section 103 in the conference report now before us.

Madam President, as you know, the use of the Missouri River is governed by what is known as the Missouri River Master Manual. Right now, there is an effort underway to update that manual. The specific issue that is at the crux of the debate over Section 103 is what is called a spring rise. A spring rise, in this case, is a release of huge

amounts of water from above Gavins Point Dam on the Nebraska-South Dakota border during the flood-prone spring months.

In an effort to protect the habitat of the pallid sturgeon, the least tern, and the piping plover, the U.S. Fish and Wildlife Service issued an ultimatum to the Army Corps of Engineers insisting that the Corps immediately agree to its demand for a spring rise. The Corps was given one week to respond to the request of Fish and Wildlife for immediate implementation of a spring rise. The Corps' response was a rejection of the spring rise proposal, and they called for further study of the effect of the spring rise.

The language in section 103 will allow for the studies the Corps recommends. Section 103, inserted in the bill during the subcommittee markup, is a commonsense provision that states in its entirety:

None of the funds made available in this act may be used to revise the Missouri River Master Water Control Manual if such provisions provide for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

This policy—this exact language—has been included in the last four energy and water appropriations bills, all of which the President signed without opposition. Let's look at the support that the Energy and Water appropriations bills, with the exact same language, have enjoyed in the past.

In October, 1995, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 89–6.

In September, 1996, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 92–8.

In September, 1998, the Senate agreed to the energy and water appropriations conference report by unanimous consent.

In September, 1999, the Senate agreed to the energy and water appropriations conference report by a bipartisan vote of 96–3.

In addition, this year, the Senate voted 93–1 in favor of final passage of the energy and water appropriations bill on September 7, 2000, following the defeat of the amendment to strike Section 103.

This lengthy record of support is part of the reason I am shocked and astounded to report that last week, the President's Chief of Staff, John Podesta, sent a letter to the Energy and Water Appropriations Subcommittee chairman stating that the President would veto this bill if section 103 is included. In other words, the Clinton-Gore administration is threatening to veto the entire energy and water appropriations bill if it contains language to protect the lives and property of all citizens living and working along the lower Missouri and Mississippi Rivers.

If the President follows through with a veto of the bill, after having signed this provision four times previously, he will be sending a very clear message to the citizens of the Midwest. It is very easy to understand. Unfortunately, it would be very hard to digest and accommodate. But the message would be this: The Clinton-Gore administration is willing to flood downstream communities as part of an unscientific, risky scheme that will hurt, not help, the endangered species it seeks to protect. If that is the message, I wouldn't want to be the messenger.

The President's Chief of Staff, Mr. Podesta, made a number of interesting, yet untrue, claims in his veto threat letter. We have corrected and clarified these points before, but allow me to do so again, in the hope that the administration will reconsider its position when confronted with the real facts on this issue.

First, the administration claims in its veto letter that section 103 would, ''prevent the Corps from carrying out a necessary element of any reasonable and prudent alternative to avoid jeopardizing the continued existence of the endangered least tern, pallid sturgeon, and the piping plover.'' This statement is false.

Under section 103, alternatives can be studied and all alternatives can be implemented—with the exception of a spring rise.

What is ironic is that spring flooding could hurt the wildlife more than it will protect them. And it will do so in a way that will increase the risks of downstream flooding and interferes with the shipment of cargo on our nation's highways.

Dr. Joe Engeln, assistant director of the Missouri Department of Natural Resources, stated in a June 24 letter that there are several major problems with the Fish and Wildlife Service's proposed plan that may have the perverse effect of harming the targeted species rather than helping them.

In his letter, he writes that, ''the higher reservoir levels [that would result from a spring rise] would also reduce the habitat for the terns and plovers that nest along the shorelines of the reservoirs.''

Dr. Engeln also points out that because the plan calls for a significant drop in flow during the summer, predators will be able to reach the islands upon which the terns and plovers nest, giving them access to the young still in the nests.

Second, the administration claims that the Missouri Master Manual is outdated and, ''does not provide and appropriate balance among the competing interests, both commercial and recreational, of the many people who seek to use this great American river.'' This, also, is untrue.

This administration's plan for ''controlled flood'' or spring rise places every citizen who lives or works downstream from the point of release in jeopardy by disturbing the balance at a time when downstream citizens are most vulnerable to flooding.

Section 103 protects citizens of Missouri and other states from dangerous flooding while allowing for cost efficient transportation of grain and cargo.

Section 103 is supported by bipartisan group representing farmers, manufacturers, labor unions, shippers, citizens and port authorities from 15 Midwest states.

Also supporting Section 103 are major national organizations including the American Farm Bureau, American Waterways associations, National Grange, and the National Soybean Association.

The strong support for Section 103 and against the spring rise undermines the administration's claim that the Master Manual must be immediately changed.

In addition to the illusory argument that the spring rise is necessary to protect endangered species, some advocates of the spring rise claim that this plan is a return to more ''natural flow conditions'' and that the river should be returned to its condition at the time of the Lewis and Clark expedition.

Not only is this unrealistic because the Midwest was barely habitable because of the erratic flooding conditions at that time, according to Dr. Engeln of the Missouri DNR, the proposal would benefit artificial reservoirs at the expense of the river and create flow conditions that have never existed along the river in Iowa, Nebraska, Kansas, and Missouri.

Over 90 organizations representing farmers, shippers, cities, labor unions, and port authorities recently sent a letter to Congress saying: ''The spring rise demanded by the Fish and Wildlife Service is based on the premise that we should 'replicate the natural hydrograph' that was responsible for devastating and deadly floods as well as summertime droughts and even dustbowls.''

I think it is pretty clear that there is not sound science to support some protection of these species. There is a clear disagreement among scientists, and a strong argument that the implementation of this plan would, in fact, damage the capacity of some of these species to continue.

I urge the Senate to support this conference report. I ask the President to rethink his threatened veto and side with the bipartisan consensus to protect the citizens living and working in the lower Missouri River Basin from the Fish and Wildlife Service's plan to flood the region.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I rise to tell the Senate this is a good bill. I hope we will pass it.

The Senate passed this bill 97–1. It went to conference. Obviously, there were some changes made in conference but clearly not significant enough to have somebody vote against this bill.

When the call of the roll occurs, we are going to hear that a number of Senators on the other side of the aisle are

going to vote against the bill. I hope everybody understands that most of them have asked for things in this bill, and they have been granted things in this bill their States desperately need. I don't know how all that will work out, but they are being asked to vote against this because the President of the United States, after signing similar language regarding the Missouri River four different times, has suggested that this year, if it is in this bill, he will veto it.

This bill has taken much work on the defense side; that is, for the nuclear deterrent, nuclear weapons activities of America, and those activities related to it that have to do with nonproliferation. We have done an excellent job in increasing some of the very important work of these National Laboratories and our nuclear defense deterrent, people, equipment, and facilities. Sooner or later many more Senators are going to have to recognize the significance of that part of this bill.

The second part of it has to do with nondefense discretionary appropriations; that is, mostly water and water projects across this great land. Many of them are in here for Senators on the Democrat side of the aisle. We were pleased to work with them on that.

I hope the bill will get sent to the President and we will be able to work something out with reference to the Missouri River. The President indicates now that he doesn't want that paragraph, that provision, so-called section 103, in this bill. I am not going to argue as eloquently as KIT BOND, the Senator from Missouri, did with reference to why that provision should be in the bill. But I can say that a compelling majority of Senators agreed with him when we had a vote on it, and then agreed to vote on final passage which included that.

To make sure everybody understands a little bit about where we have been and where we are going, I will not talk much about this chart, except I will ask that we take a quick look at the orange part of this chart. You see how big that keeps growing while people worry about this bill, and legitimately so. Senator MCCAIN argues that perhaps there are some things in this bill that should not be in it. He may be right.

Let me tell my colleagues, when you have to put something together for a whole House and a whole Senate, sometimes you have to do some things that maybe one Senator wouldn't want done.

This orange shows what is happening to the American budget of late. This is the 2000 estimate, the orange part of the entitlements and interest we pay in our budget for the people. See how it continues to grow. The yellow is the Defense Department. If you will focus for a moment on this purple piece, that number, $319 billion out of a budget of $1.8 trillion, is the 11 appropriations bills that have not yet been passed.

May I point it out again. This is the entitlements plus the interest. This is defense, which has been passed. And this, which you can see from this year to this year to this year, not very big changes compared to the other parts of the budget, this is what the 11 appropriations bills will amount to more or less, including this one.

It means that one-sixth of the Federal budget is at issue when we discuss the 11 appropriations bills that remain. Two of them were defense, and they belong in this portion of the budget. But if you look out, as we try to project 2005 and beyond, to see what keeps growing even though we are paying down the national debt, the entitlement programs keep growing. And the difference in this part, the purple part, is rather insignificant in terms of growth.

This bill is slightly over the President's budget in the nuclear deterrent, nuclear laboratory, nuclear weapons activities, and is slightly over the President on all of the water projects. I failed to mention the science projects that are in this bill, which are nondefense projects. They go on at all of the laboratories, and they are the cutting edge of real science across America—in this bill we are talking about. All of these, this and 11 others, belong in this small amount. Even for those who think it is growing too much, our projections beyond the year 2005 are that it still will be a very small portion of our Federal budget with a very large amount going to entitlements.

I wish I had one more I could predict, the surpluses along here, because I don't believe you need to worry about having adequate surpluses to take care of priorities in the future, to take care of Medicare, prescription drugs, and Medicare reform. Nor do I think there will be a shortage of money, some of which we should give back to the American people before we spend it.

My closing remarks have to do with what should we do with the great surplus the American people are giving us by way of taxes, which they have never paid so much of in the past. I look to the person who had most to do with our great thriving economy, Dr. Alan Greenspan. He mentions three things to us: First, you should put as much of it as you can on the national debt. The second thing is, you should give the people back some of it by way of taxes. That is the second best thing. He comments, ''If you are going to look at the big picture, the worst thing you can do with the surplus for the future of our children and grandchildren is to spend it on new programs.''

So I suggest we all ought to be worried about the future. But today we ought to get an appropriation bill passed. I hope our people will understand that in spite of the plea from the minority leader that you vote against it because of the Missouri language, we can pass it today and see if in the next few days we can work something out with the President if he remains dedicated to vetoing this bill over the one issue of which the Senator from Montana spoke.

Mr. BAUCUS. Madam President, I very much admire the work and the effort the Senator from New Mexico has put into this bill, and I hope after the President vetoes this bill, and it is sustained, we can work out this one problem so we can get the bill passed.

Mr. DOMENICI. I thank the Senator.

Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. DOMENICI. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah, (Mr. HATCH) and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote ''yea.''

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 37, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—57

Abraham	Enzi	Miller
Allard	Fitzgerald	Murkowski
Ashcroft	Frist	Murray
Bennett	Gorton	Nickles
Bingaman	Gramm	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Helms	Shelby
Byrd	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Chafee, L.	Inhofe	Snowe
Cochran	Jeffords	Specter
Collins	Kyl	Stevens
Craig	Lincoln	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Edwards	McConnell	Warner

NAYS—37

Akaka	Feingold	McCain
Baucus	Graham	Mikulski
Bayh	Harkin	Moynihan
Biden	Hollings	Reed
Boxer	Inouye	Reid
Breaux	Johnson	Robb
Bryan	Kerrey	Rockefeller
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	
Durbin	Levin	

NOT VOTING—6

Feinstein	Hatch	Lieberman
Grams	Kennedy	Wyden

The conference report was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Madam 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. LOTT. 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. LOTT. Mr. President, we have been working on a number of issues. I want to enter one, and then we will have another quorum call while we conclude some other agreements. The first has to do with the intelligence authorization bill. Obviously, this is very important legislation. It has been agreed to on both sides.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 654, S. 2507.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2507) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Intelligence with amendments to omit the parts in black brackets and insert the parts printed in italic.

S. 2507

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 ''Intelligence Authorization Act for Fiscal Year 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Prohibition on unauthorized disclosure of classified information.
Sec. 304. POW/MIA analytic capability within the intelligence community.
Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.
Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Expansion of Inspector General actions requiring a report to Congress.
Sec. 402. Subpoena authority of the Inspector General.
Sec. 403. Improvement and extension of central services program.
Sec. 404. Details of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

[Sec. 501. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
[Sec. 502. Nuclear test monitoring equipment.
[Sec. 503. Experimental personnel management program for technical personnel for certain elements of the intelligence community.]
Sec. 501. Prohibition on transfer of imagery analysts from General Defense Intelligence Program to National Imagery and Mapping Agency Program.
Sec. 502. Prohibition on transfer of collection management personnel from General Defense Intelligence Program to Community Management Account.
Sec. 503. Authorized personnel ceiling for General Defense Intelligence Program.
Sec. 504. Measurement and signature intelligence.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.—Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The National Reconnaissance Office.
(6) The National Imagery and Mapping Agency.
(7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Federal Bureau of Investigation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN ELEMENTS FOR FISCAL YEARS 2002 THROUGH 2005.—Funds are hereby authorized to be appropriated for each of fiscal years 2002 through 2005 for the conduct in each such fiscal year of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Defense Intelligence Agency.
(3) The National Security Agency.
(4) The National Reconnaissance Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $232,051,000.

(2) AVAILABILITY FOR ADVANCED RESEARCH AND DEVELOPMENT COMMITTEE.—Within the amount authorized to be appropriated in paragraph (1), amounts identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 618 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2001

such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended—

(1) by redesignating section 798A as section 798B; and

(2) by inserting after section 798 the following new section 798A:

"§ 798A. Unauthorized disclosure of classified information

''(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information to a person who is not both an officer or employee of the United States and who is not authorized access to the classified information shall be fined not more than $10,000, imprisoned not more than 3 years, or both.

''(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

''(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

''(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

''(c) DEFINITIONS.—In this section:

''(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by the such House of Congress.

''(2) The term 'classified information' means information or material designated and clearly marked or represented, or that the person knows or has reason to believe has been determined by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

''(3) The term 'officer or employee of the United States' means the following:

''(A) An officer or employee (as those terms are defined in sections 2104 and 2105 of title 5).

''(B) An officer or enlisted member of the Armed Forces (as those terms are defined in section 101(b) of title 10).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

''798A. Unauthorized disclosure of classified information.

''798B. Temporary extension of section 794.''.

SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

''POW/MIA ANALYTIC CAPABILITY

''SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to prisoners of war and missing persons (as that term is defined in section 1513(1) of title 10, United States Code).

''(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

''(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

''(1) extend to any activities of the Federal Government with respect to prisoners of war and missing persons after December 31, 1990; and

''(2) include support for any department or agency of the Federal Government engaged in such activities.''.

SEC. 305. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following:

''TITLE X—MISCELLANEOUS

''APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

''SEC. 1001. (a) IN GENERAL.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person acting at their direction to the extent such other person is carrying out such activity on behalf of the United States, unless such Federal law specifically addresses such intelligence activity.

''(b) AUTHORIZED ACTIVITIES.—An activity shall be treated as authorized for purposes of subsection (a) if the activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.''.

SEC. 306. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence, and all applicable Executive Orders, relating to the handling, retention, or storage of covered classified materials.

(b) LIMITATION ON CERTIFICATION.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives and Executive Orders referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive or Executive Order.

(c) REPORT ON NONCOMPLIANCE.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive or Executive Order referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1)(A) Effective as of January 1, 2001, no funds authorized to be appropriated by this Act may be obligated or expended by the Bureau of Intelligence and Research of the Department of State unless the Director of Central Intelligence has certified under subsection (a) as of such date that each covered element of the Department of State is in full compliance with the directives and Executive Orders referred to in subsection (a).

(B) If the prohibition in subparagraph (A) takes effect in accordance with that subparagraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that each covered element of the Department of State is in full compliance with the directives and Executive Orders referred to in that subsection.

(2)(A) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified information unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives and Executive Orders referred to in subsection (a).

(B) If the prohibition in subparagraph (A) takes effect in accordance with that subparagraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives and Executive Orders referred to in that subsection.

(e) PRESIDENTIAL WAIVER.—(1) The President may waive the applicability of the prohibition in subsection (d)(2) to an element of the Department of State otherwise covered by such prohibition if the President determines that the waiver is in the national security interests of the United States.

(2) The President shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions taken by the President to protect any covered classified material to be handled, retained, or stored by such element.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term ''covered classified material'' means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term ''covered element of the Department of State'' means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term ''material'' means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term ''Sensitive Compartmented Information (SCI) level'', in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 307. CLARIFICATION OF STANDING OF UNITED STATES CITIZENS TO CHALLENGE CERTAIN BLOCKING OF ASSETS.

The Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106–120; 113 Stat. 1626; 21 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 811. STANDING OF UNITED STATES CITIZENS TO CHALLENGE BLOCKING OF ASSETS.

''No provision of this title shall be construed to prohibit a United States citizen from raising any challenge otherwise available to the United States citizen under subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), or any other provision of law, with respect to the blocking of assets by the United States under this title.''.

SEC. 308. AVAILABILITY OF CERTAIN FUNDS FOR ADMINISTRATIVE COSTS OF COUNTERDRUG INTELLIGENCE EXECUTIVE SECRETARIAT.

Notwithstanding section 1346 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 113 Stat. 467), funds made available for fiscal year 2000 for any department or agency of the Federal Government with authority to conduct counterdrug intelligence activities, including counterdrug law enforcement information-gathering activities, may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

''(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

''(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

''(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

''(I) Executive Director;

''(II) Deputy Director for Operations;

''(III) Deputy Director for Intelligence;

''(IV) Deputy Director for Administration; or

''(V) Deputy Director for Science and Technology;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

''(D) the Inspector General becomes aware of the possible criminal conduct of a current or former Agency official described or referred to in subparagraph (B) through a means other than an investigation, inspection, or audit and such conduct is not referred to the Department of Justice; or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately submit a report on such matter to the intelligence committees.''.

SEC. 402. SUBPOENA AUTHORITY OF THE INSPECTOR GENERAL.

(a) CLARIFICATION REGARDING REPORTS ON EXERCISE OF AUTHORITY.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

''(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and''; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) SCOPE OF AUTHORITY.—Subsection (e)(5)(B) of that section is amended by striking ''Government'' and inserting ''Federal''.

SEC. 403. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.

(a) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

''(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

''(G) Receipts from individuals for the rental of property and equipment under the program.''.

(b) CLARIFICATION OF COSTS RECOVERABLE UNDER PROGRAM.—Subsection (e)(1) of that section is amended in the second sentence by inserting ''other than structures owned by the Agency'' after ''depreciation of plant and equipment''.

(c) FINANCIAL STATEMENTS OF PROGRAM.—Subsection (g)(2) of that section is amended in the first sentence by striking ''annual audits under paragraph (1)'' and inserting the following: ''financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).''.

(d) EXTENSION OF PROGRAM.—Subsection (h)(1) of that section is amended by striking ''March 31, 2002'' and inserting ''March 31, 2005''.

SEC. 404. DETAILS OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''DETAILS OF EMPLOYEES

''SEC. 22. The Director may—

''(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal government personnel; and

''(2) hire personnel for the purpose of details under paragraph (1).''.

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) IN GENERAL.—Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j) is amended by adding at the end the following new subsection:

''(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

''(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).''.

(b) CONFORMING STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''SCOPE OF AUTHORITY FOR EXPENDITURE.—'' after ''(b)''.

(c) APPLICABILITY.—Subsection (c) of section 8 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of section 363 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

[SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

[Section 431(a) of title 10, United States Code, is amended in the second sentence by striking ''December 31, 2000'' and inserting ''December 31, 2002''.

[SEC. 502. NUCLEAR TEST MONITORING EQUIPMENT.

[(a) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

[''§ 2350l. Nuclear test monitoring equipment

[''(a) AUTHORITY TO CONVEY OR PROVIDE.—Subject to subsection (b), the Secretary of Defense may, for purposes of satisfying nuclear test explosion monitoring requirements applicable to the United States—

[''(1) convey or otherwise provide to a foreign government monitoring and associated equipment for nuclear test explosion monitoring purposes; and

[''(2) install such equipment on foreign territory or in international waters as part of such conveyance or provision.

[''(b) AGREEMENT REQUIRED.—Nuclear test explosion monitoring equipment may be conveyed or otherwise provided under the authority in subsection (a) only pursuant to the terms of an agreement in which the foreign government receiving such equipment agrees as follows:

[''(1) To provide the Secretary of Defense timely access to the data produced, collected, or generated by such equipment.

[''(2) To permit the Secretary of Defense to take such measures as the Secretary considers necessary to inspect, test, maintain, repair, or replace such equipment, including access for purposes of such measures.

[''(c) DELEGATION OF RESPONSIBILITIES.—(1) The Secretary of Defense may delegate any or all of the responsibilities of that Secretary under subsection (b) to the Secretary of the Air Force.

[''(2) The Secretary of the Air Force may delegate any or all of the responsibilities delegated to that Secretary under paragraph (1).''.

[(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 2350k the following new item:

[''2350l. Nuclear test monitoring equipment.''.

[SEC. 503. EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR TECHNICAL PERSONNEL FOR CERTAIN ELEMENTS OF THE INTELLIGENCE COMMUNITY.

[(a) PROGRAM AUTHORIZED.—During the 5-year period beginning on the date of the enactment of this Act, the Director of Central Intelligence may carry out a program of experimental use of the special personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects administered by the elements of the intelligence community specified in subsection (c).

[(b) SPECIAL PERSONNEL MANAGEMENT AUTHORITY.—Under the program, the Director of Central Intelligence may—

[(1) within the limitations specified in subsection (c), appoint scientists and engineers from outside the civil service and uniformed services (as such terms are defined in section 2101 of title 5, United States Code) to not more than 39 scientific and engineering positions in the elements of the intelligence community specified in that subsection without regard to any provision of title 5, United States Code, governing the appointment of employees in the civil service;

[(2) prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1) at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5, United States Code, notwithstanding any provision of such title governing the rates of pay or classification of employees in the executive branch; and

[(3) pay any employee appointed under paragraph (1) payments in addition to basic pay within the limit applicable to the employee under subsection (e)(1).

[(c) SPECIFIED ELEMENTS AND LIMITATIONS.—The elements of the intelligence community in which individuals may be appointed under the program, and the maximum number of positions for which individuals may be appointed in each such element, are as follows:

[(1) The National Imagery and Mapping Agency (NIMA), 15 positions.

[(2) The National Security Agency (NSA), 12 positions.

[(3) The National Reconnaissance Office (NRO), 6 positions.

[(4) The Defense Intelligence Agency (DIA), 6 positions.

[(d) LIMITATION ON TERM OF APPOINTMENT.—(1) Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed 4 years.

[(2) The Director of Central Intelligence may, in the case of a particular employee, extend the period to which service is limited under paragraph (1) by up to 2 years if the Director determines that such action is necessary to promote the efficiency of the element of the intelligence community concerned.

[(e) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) The total amount of the additional payments paid to an employee under subsection (b)(3) for any 12-month period may not exceed the least of the following amounts:

[(A) $25,000.

[(B) The amount equal to 25 percent of the employee's annual rate of basic pay.

[(C) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.

[(2) An employee appointed under subsection (b)(1) is not eligible for any bonus, monetary award, or other monetary incentive for service except for payments authorized under subsection (b)(3).

[(f) PERIOD OF PROGRAM.—(1) The program authorized under this section shall terminate at the end of the 5-year period referred to in subsection (a).

[(2) After the termination of the program—

[(A) no appointment may be made under paragraph (1) of subsection (b);

[(B) a rate of basic pay prescribed under paragraph (2) of that subsection may not take effect for a position; and

[(C) no period of service may be extended under subsection (d)(2).

[(g) SAVINGS PROVISIONS.—In the case of an employee who, on the day before the termination of the program, is serving in a position pursuant to an appointment under subsection (b)(1)—

[(1) the termination of the program does not terminate the employee's employment in that position before the expiration of the lesser of—

[(A) the period for which the employee was appointed; or

[(B) the period to which the employee's service is limited under subsection (d), including any extension made under paragraph (2) of that subsection before the termination of the program; and

[(2) the rate of basic pay prescribed for the position under subsection (b)(2) may not be reduced for so long (within the period applicable to the employee under paragraph (1)) as the employee continues to serve in the position without a break in service.

[(h) ANNUAL REPORT.—(1) Not later than October 15 of each year, beginning in 2001 and ending in the year in which the service of employees under the program concludes (including service, if any, that concludes under subsection (g)), the Director of Central Intelligence shall submit a report on the program to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

[(2) The report submitted in a year shall cover the 12-month period ending on the day before the anniversary, in that year, of the date of the enactment of this Act.

[(3) The annual report shall contain, for the period covered by the report, the following:

[(A) A detailed discussion of the exercise of authority under this section.

[(B) The sources from which individuals appointed under subsection (b)(1) were recruited.

[(C) The methodology used for identifying and selecting such individuals.

[(D) Any additional information that the Director considers helpful for assessing the utility of the authority under this section.]

SEC. 501. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL

PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospacial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term ''appropriate committees of Congress'' means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 502. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 503. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 504. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The committee amendments were agreed to.

AMENDMENTS NOS. 4280 THROUGH 4285, EN BLOC

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following amendments which are at the desk: Warner amendment No. 4280, Specter amendment No. 4281, Feinstein amendment No. 4282, Moynihan amendment No. 4283, Kerrey amendment No. 4284, and the Shelby-Bryan amendment No. 4285. I further ask unanimous consent that the amendments be agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 4280 through 4285) were agreed to, en bloc, as follows:

AMENDMENT NO. 4280

(Purpose: To modify the provisions relating to Department of Defense intelligence activities)

On page 27, strike line 3 and all that follows through page 37, line 3, and insert the following:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking ''December 31, 2000'' and inserting ''December 31, 2002''.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospacial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term ''appropriate committees of Congress'' means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 4281

(Purpose: To modify procedures under the Foreign Intelligence Surveillance Act of 1978 relating to orders for surveillance and searches for foreign intelligence purposes.)

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 4282

(Purpose: 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)

On page 37, after line 3, add the following:

TITLE VI—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Japanese Imperial Army Disclosure Act''.

SEC. 602. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term ''Interagency Group'' means the Japanese Imperial

Army Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL ARMY RECORDS.—The term ''Japanese Imperial Army records'' means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political option, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) RECORD.—The term ''record'' means a Japanese Imperial Army record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) INITIAL MEETING.—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) FUNCTIONS.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 603—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

SEC. 603. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) RELEASE OF RECORDS.—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working Group shall release in their entirety Japanese Imperial Army records.

(b) EXCEPTION FOR PRIVACY.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) LIMITATION ON EXEMPTIONS.—

(1) IN GENERAL.—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) RECORDS RELATED TO INVESTIGATION OR PROSECUTIONS.—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 604. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 602(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

SEC. 605. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

AMENDMENT NO. 4283

(Purpose: To improve the identification, collection, and review for declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States)

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

AMENDMENT NO. 4284

(Purpose: To honor the outstanding contributions of Senator Daniel Patrick Moynihan toward the redevelopment of Pennsylvania Avenue, Washington, DC)

At the end of title III, add the following:

SEC. 3___. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the ''Avenue'');

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the ''grand axis'' of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a ''solid phalanx of public and private office buildings which close down completely at night and on weekends,'' but that it be ''lively, friendly, and inviting, as well as dignified and impressive'';

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the ''Guiding Principles for Federal Architecture,'' that recommends a choice of designs that are ''efficient and economical'' and that provide ''visual testimony to the dignity, enterprise, vigor, and stability'' of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the ''development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.'';

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as ''Daniel Patrick Moynihan Place''.

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

AMENDMENT NO. 4285

On page 10, strike line 11 and all that follows through page 12, line 2, and insert the following:

''(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

''(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

''(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

''(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

''(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

''(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

''(B) is within the scope of such officer's or employee's duties.

''(4) Any other person authorized to receive the classified information.

''(c) DEFINITIONS.—In this section:

''(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

''(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

On page 12, strike line 21 and all that follows through page 13, line 16, and insert the following:

''SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to unaccounted for United States personnel.

''(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

''(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

''(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

''(2) include support for any department or agency of the Federal Government engaged in such activities.

''(c) UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.—In this section, the term 'unaccounted for United States personnel' means the following:

''(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

''(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States.''.

On page 14, beginning on line 11, strike ''acting at their direction''.

On page 14, line 13, insert '', and at the direction of,'' after ''on behalf of''.

On page 14, line 16, strike ''AUTHORIZED ACTIVITIES.—An activity'' and insert ''AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity''.

On page 14, line 18, insert ''intelligence'' before ''activity''.

On page 15, beginning on line 9, strike '', and all applicable Executive Orders,''.

On page 15, line 11, strike ''materials'' and insert ''material''.

On page 15, line 15, strike ''and Executive Orders''.

On page 15, line 18, strike ''or Executive Order''.

On page 15, line 22, strike ''or Executive Order''.

On page 15, strike line 25 and all that follows through page 16, line 16, and insert the following:

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State

On page 16, line 20, strike ''and Executive Orders''.

On page 16, strike lines 22 and 23 and insert the following:

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition

On page 17, beginning on line 1, strike ''and Executive Orders''.

On page 17, strike line 3 and insert the following:

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may

On page 17, beginning on line 4, strike ''subsection (d)(2)'' and insert ''subsection (d)''.

On page 17, line 6, strike ''the President'' and insert ''the Director''.

On page 17, line 9, strike ''The President'' and insert ''The Director''.

On page 17, between lines 17 and 18, insert the following:

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

On page 17, line 18, strike ''(C) The actions taken by the President'' and insert ''(D) The actions taken by the Director''.

On page 17, line 20, insert before the period the following: ''pending achievement of full compliance of such element with such directives''.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read the third time and the Senate proceed to the consideration of H.R. 4392. Further, I ask unanimous consent that all after the enacting clause be stricken and the text of S. 2507, as amended, be inserted in lieu thereof, the bill be read the third time and passed, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate. Finally, I ask unanimous consent that S. 2507 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2507), as amended, was read the third time.

The bill (H.R. 4392), as amended, was read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4392) entitled ''An Act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2001''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Prohibition on unauthorized disclosure of classified information.
Sec. 304. POW/MIA analytic capability within the intelligence community.
Sec. 305. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 306. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 307. Clarification of standing of United States citizens to challenge certain blocking of assets.
Sec. 308. Availability of certain funds for administrative costs of Counterdrug Intelligence Executive Secretariat.
Sec. 309. Designation of Daniel Patrick Moynihan Place.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Expansion of Inspector General actions requiring a report to Congress.
Sec. 402. Subpoena authority of the Inspector General.
Sec. 403. Improvement and extension of central services program.
Sec. 404. Details of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Two-year extension of authority to engage in commercial activities as security for intelligence collection activities.
Sec. 502. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
Sec. 503. Prohibition on transfer of imagery analysts from General Defense Intelligence Program to National Imagery and Mapping Agency Program.
Sec. 504. Prohibition on transfer of collection management personnel from General Defense Intelligence Program to Community Management Account.
Sec. 505. Authorized personnel ceiling for General Defense Intelligence Program.
Sec. 506. Measurement and signature intelligence.

TITLE VI—COUNTERINTELLIGENCE MATTERS

Sec. 601. Short title.
Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
Sec. 606. Enhancing protection of national security at the Department of Justice.
Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
Sec. 608. Severability.

TITLE VII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

Sec. 701. Short title.
Sec. 702. Establishment of Japanese Imperial Army Records Interagency Working Group.
Sec. 703. Requirement of disclosure of records.
Sec. 704. Expedited processing of FOIA requests for Japanese Imperial Army records.
Sec. 705. Effective date.

TITLE VIII—DECLASSIFICATION OF INFORMATION

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Public Interest Declassification Board.
Sec. 804. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
Sec. 805. Protection of national security information and other information.
Sec. 806. Standards and procedures.
Sec. 807. Judicial review.
Sec. 808. Funding.
Sec. 809. Definitions.
Sec. 810. Sunset.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.—Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The National Reconnaissance Office.
(6) The National Imagery and Mapping Agency.
(7) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(8) The Department of State.
(9) The Department of the Treasury.
(10) The Department of Energy.
(11) The Federal Bureau of Investigation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN ELEMENTS FOR FISCAL YEARS 2002 THROUGH 2005.—Funds are hereby authorized to be appropriated for each of fiscal years 2002 through 2005 for the conduct in each such fiscal year of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Defense Intelligence Agency.
(3) The National Security Agency.
(4) The National Reconnaissance Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Sixth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $232,051,000.

(2) AVAILABILITY FOR ADVANCED RESEARCH AND DEVELOPMENT COMMITTEE.—Within the amount authorized to be appropriated in paragraph (1), amounts identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 618 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be

used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. PROHIBITION ON UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.

(a) IN GENERAL.—Chapter 37 of title 18, United States Code, is amended—

(1) by redesignating section 798A as section 798B; and

(2) by inserting after section 798 the following new section 798A:

"§ 798A. Unauthorized disclosure of classified information

''(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

''(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

''(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

''(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

''(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

''(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

''(B) is within the scope of such officer's or employee's duties.

''(4) Any other person authorized to receive the classified information.

''(c) DEFINITIONS.—In this section:

''(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

''(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

''(3) The term 'officer or employee of the United States' means the following:

''(A) An officer or employee (as those terms are defined in sections 2104 and 2105 of title 5).

''(B) An officer or enlisted member of the Armed Forces (as those terms are defined in section 101(b) of title 10).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by striking the item relating to section 798A and inserting the following new items:

''798A. Unauthorized disclosure of classified information.

''798B. Temporary extension of section 794.''.

SEC. 304. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

''POW/MIA ANALYTIC CAPABILITY

''SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to unaccounted for United States personnel.

''(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

''(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

''(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

''(2) include support for any department or agency of the Federal Government engaged in such activities.

''(c) UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.—In this section, the term 'unaccounted for United States personnel' means the following:

''(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

''(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States.''.

SEC. 305. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following:

''TITLE X—MISCELLANEOUS

''APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

''SEC. 1001. (a) IN GENERAL.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

''(b) AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.''.

SEC. 306. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) CERTIFICATION REGARDING FULL COMPLIANCE WITH REQUIREMENTS.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) LIMITATION ON CERTIFICATION.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

(c) REPORT ON NONCOMPLIANCE.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified information unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives referred to in subsection (a).

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives referred to in that subsection.

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may waive the applicability of the prohibition in subsection (d) to an element of the Department of State otherwise covered by such prohibition if the Director determines that the waiver is in the national security interests of the United States.

(2) The Director shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

(D) The actions taken by the Director to protect any covered classified material to be handled, retained, or stored by such element pending achievement of full compliance of such element with such directives.

(f) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term ''covered classified material'' means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term ''covered element of the Department of State'' means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term ''material'' means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term ''Sensitive Compartmented Information (SCI) level'', in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 307. CLARIFICATION OF STANDING OF UNITED STATES CITIZENS TO CHALLENGE CERTAIN BLOCKING OF ASSETS.

The Foreign Narcotics Kingpin Designation Act (title VIII of Public Law 106–120; 113 Stat. 1626; 21 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 811. STANDING OF UNITED STATES CITIZENS TO CHALLENGE BLOCKING OF ASSETS.

''No provision of this title shall be construed to prohibit a United States citizen from raising any challenge otherwise available to the United States citizen under subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedure Act), or any other provision of law, with respect to the blocking of assets by the United States under this title.''.

SEC. 308. AVAILABILITY OF CERTAIN FUNDS FOR ADMINISTRATIVE COSTS OF COUNTERDRUG INTELLIGENCE EXECUTIVE SECRETARIAT.

Notwithstanding section 1346 of title 31, United States Code, or section 610 of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 113 Stat. 467), funds made available for fiscal year 2000 for any department or agency of the Federal Government with authority to conduct counterdrug intelligence activities, including counterdrug law enforcement information-gathering activities, may be available to finance an appropriate share of the administrative costs incurred by the Department of Justice for the Counterdrug Intelligence Executive Secretariat authorized by the General Counterdrug Intelligence Plan of February 12, 2000.

SEC. 309. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the ''Avenue'');

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the ''grand axis'' of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a ''solid phalanx of public and private office buildings which close down completely at night and on weekends,'' but that it be ''lively, friendly, and inviting, as well as dignified and impressive'';

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the ''Guiding Principles for Federal Architecture,'' that recommends a choice of designs that are ''efficient and economical'' and that provide ''visual testimony to the dignity, enterprise, vigor, and stability'' of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the ''development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.'';

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as ''Daniel Patrick Moynihan Place''.

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

''(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

''(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

''(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

''(I) Executive Director;

''(II) Deputy Director for Operations;

''(III) Deputy Director for Intelligence;

''(IV) Deputy Director for Administration; or

''(V) Deputy Director for Science and Technology;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

''(D) the Inspector General becomes aware of the possible criminal conduct of a current or former Agency official described or referred to in subparagraph (B) through a means other than an investigation, inspection, or audit and such conduct is not referred to the Department of Justice; or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately submit a report on such matter to the intelligence committees.''.

SEC. 402. SUBPOENA AUTHORITY OF THE INSPECTOR GENERAL.

(a) CLARIFICATION REGARDING REPORTS ON EXERCISE OF AUTHORITY.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

''(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and''; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) SCOPE OF AUTHORITY.—Subsection (e)(5)(B) of that section is amended by striking ''Government'' and inserting ''Federal''.

SEC. 403. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.

(a) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

''(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

''(G) Receipts from individuals for the rental of property and equipment under the program.''.

(b) CLARIFICATION OF COSTS RECOVERABLE UNDER PROGRAM.—Subsection (e)(1) of that section is amended in the second sentence by inserting ''other than structures owned by the Agency'' after ''depreciation of plant and equipment''.

(c) FINANCIAL STATEMENTS OF PROGRAM.—Subsection (g)(2) of that section is amended in the first sentence by striking ''annual audits under paragraph (1)'' and inserting the following: ''financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).''.

(d) EXTENSION OF PROGRAM.—Subsection (h)(1) of that section is amended by striking ''March 31, 2002'' and inserting ''March 31, 2005''.

SEC. 404. DETAILS OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

''DETAILS OF EMPLOYEES

''SEC. 22. The Director may—

''(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal government personnel; and

''(2) hire personnel for the purpose of details under paragraph (1).''.

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) IN GENERAL.—Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j) is amended by adding at the end the following new subsection:

''(c) TRANSFERS FOR ACQUISITION OF LAND.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

''(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).''.

(b) CONFORMING STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' after ''(a)''; and

(2) in subsection (b), by inserting ''SCOPE OF AUTHORITY FOR EXPENDITURE.—'' after ''(b)''.

(c) APPLICABILITY.—Subsection (c) of section 8 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

(a) IN GENERAL.—Notwithstanding any provision of section 363 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) REPORTS.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking ''December 31, 2000'' and inserting ''December 31, 2002''.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospacial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term ''appropriate committees of Congress'' means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Counterintelligence Reform Act of 2000''.

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

''(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

''(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

''(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

''(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

''(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

''(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.''.

(b) PROBABLE CAUSE.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.''; and

(3) in subsection (d), as redesignated by paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)''.

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

''(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

''(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

''(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

''(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

''(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

''(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.''.

(b) PROBABLE CAUSE.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.''.

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) INCLUSION OF INFORMATION ON DISCLOSURE IN SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2) Each report under the first sentence of paragraph (1) shall include a description of—

''(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

''(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.''.

(b) REPORT ON MECHANISMS FOR DETERMINATIONS OF DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term ''appropriate committees of Congress'' means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking ''paragraph (3)'' and inserting ''paragraph (5)'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

''(B) The head of the department or agency concerned shall—

''(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

''(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

''(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.''; and

(4) in paragraph (5), as so redesignated, by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''.

(b) TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph (2) of that subsection is further amended—

(1) by inserting ''in a timely manner'' after ''through appropriate channels''; and

(2) by inserting ''in a timely manner'' after ''are consulted''.

(c) INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

''(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

''(B)(i) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination with the Federal Bureau of Investigation.

''(ii) Any examination, interrogation, or other action taken under clause (i) shall be taken in consultation with the Federal Bureau of Investigation.''.

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002; and

(3) $8,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review may be obligated or expended until the later of the dates on which the Attorney General submits the reports required by paragraphs (2) and (3).

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) a report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to

such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.—The Attorney General shall report to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

''COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

''SEC. 9A. (a) BRIEFINGS REQUIRED.—The Assistant Attorney General for the Criminal Division and the appropriate United States Attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

''(b) TIMING OF BRIEFINGS.—Briefings under subsection (a) with respect to a case shall occur—

''(1) as soon as practicable after the Department of Justice and the United States Attorney concerned determine that a prosecution or potential prosecution could result; and

''(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

''(c) SENIOR AGENCY OFFICIAL DEFINED.—In this section, the term 'senior agency official' has the meaning given that term in section 1.1 of Executive Order No. 12958.''.

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

TITLE VII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

SEC. 701. SHORT TITLE.

This title may be cited as the ''Japanese Imperial Army Disclosure Act''.

SEC. 702. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term ''Interagency Group'' means the Japanese Imperial Army Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL ARMY RECORDS.—The term ''Japanese Imperial Army records'' means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political option, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) RECORD.—The term ''record'' means a Japanese Imperial Army record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) INITIAL MEETING.—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) FUNCTIONS.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 703—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

SEC. 703. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) RELEASE OF RECORDS.—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working Group shall release in their entirety Japanese Imperial Army records.

(b) EXCEPTION FOR PRIVACY.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) LIMITATION ON EXEMPTIONS.—

(1) IN GENERAL.—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) RECORDS RELATED TO INVESTIGATION OR PROSECUTIONS.—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 704. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 702(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

SEC. 705. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

TITLE VIII—DECLASSIFICATION OF INFORMATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Public Interest Declassification Act of 2000''.

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 803. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) ESTABLISHMENT.—There is established within the executive branch of the United States a board to be known as the ''Public Interest Declassification Board'' (in this title referred to as the ''Board'').

(b) PURPOSES.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive Order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive Orders regarding the classification and declassification of national security information.

(c) MEMBERSHIP.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Majority Leader of the Senate;

(C) one shall be appointed by the Minority Leader of the Senate;

(D) one shall be appointed by the Speaker of the House of Representatives; and

(E) one shall be appointed by the Minority Leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board, three shall be appointed for a term of four years, three shall be appointed for a term of three years, and three shall be appointed for a term of two years.

(B) Any subsequent appointment to the Board shall be for a term of three years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be two years.

(C) A member serving as Chairperson of the Board may be re-designated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than six years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive Orders and agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 806(b), and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) COMPENSATION.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES–1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) SUPPORT.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) PUBLIC AVAILABILITY OF RECORDS AND REPORTS.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 804. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive Order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next two fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments, and the elements of the intelligence community shall be provided on a consolidated basis.

(B) In this paragraph, the term ''elements of the intelligence community'' means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 803(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive Order.

SEC. 805. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) IN GENERAL.—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by an agency.

(b) SPECIAL ACCESS PROGRAMS.—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)).

(d) EXEMPTIONS TO RELEASE OF INFORMATION.—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under section 552(b) of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), or section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'').

(e) WITHHOLDING INFORMATION FROM CONGRESS.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 806. STANDARDS AND PROCEDURES.

(a) LIAISON.—(1) The head of each agency with the authority under an Executive Order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library, as the case may be, to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) LIMITATIONS ON ACCESS.—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library, as the case may be, shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) DISCRETION TO DISCLOSE.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(d) DISCRETION TO PROTECT.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweigh's the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(e) REPORTS.—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials by the head of an agency or the head of a Federal Presidential library of access of the Board to records or materials under this title.

(B) In this paragraph, the term ''appropriate congressional committees'' means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform and Oversight of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 807. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable at law against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 808. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, $650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) FUNDING REQUESTS.—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 809. DEFINITIONS.

In this title:

(1) AGENCY.—(A) Except as provided in subparagraph (B), the term ''agency'' means the following:

(i) An executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) CLASSIFIED MATERIAL OR RECORD.—The terms ''classified material'' and ''classified record'' include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive Order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) DECLASSIFICATION.—The term ''declassification'' means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) DONATED HISTORICAL MATERIAL.—The term ''donated historical material'' means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) FEDERAL PRESIDENTIAL LIBRARY.—The term ''Federal Presidential library'' means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of chapter 21 of title 44, United States Code.

(6) NATIONAL SECURITY.—The term ''national security'' means the national defense or foreign relations of the United States.

(7) RECORDS OR MATERIALS OF EXTRAORDINARY PUBLIC INTEREST.—The term ''records or materials of extraordinary public interest'' means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive Order.

(8) RECORDS OF ARCHIVAL VALUE.—The term ''records of archival value'' means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 810. SUNSET.

The provisions of this title shall expire four years after the date of the enactment of this Act, unless reauthorized by statute.

The PRESIDING OFFICER (Mr. FITZGERALD) appointed Mr. SHELBY, Mr. LUGAR, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, Mr. MACK, Mr. WARNER, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. ROBB, Mr. LAUTENBERG, and Mr. LEVIN conferees on the part of the Senate.

Mr. LOTT. Mr. President, I yield to Senator BRYAN.

Mr. BRYAN. Mr. President, I thank the leader. I specifically thank the chairman, Senator SHELBY. We have worked to put this authorization bill together. It could not have happened but for his cooperation and the cooperation of a number of others of our colleagues on the Intelligence Committee. I thank them for their cooperation, the chairman in particular. I thank the majority leader and Senator DASCHLE as well. Again, I acknowledge the leadership of my chairman. He has been most helpful in working through this bill. I thank him, the majority leader, and our colleagues.

My remarks will echo many of the points made by the distinguished chairman of the Intelligence Committee, Senator SHELBY. Those who are not familiar with the workings of the Intelligence Committee may find it odd that members from different parties have such agreement on the substance of this legislation. Most of my colleagues, however, know that the committee has a long tradition of bipartisanship and I am proud to say that under Senator SHELBY's leadership we have upheld that tradition. We have confronted difficult policy issues and budget choices, and the chairman has gone out of his way to ensure that the committee addressed these in a fair and nonpartisan way. I appreciate the courtesies he has shown me as vice chairman. I think we have produced a good bill that focuses on several critical areas of intelligence policy.

This important legislation authorizes the activities of the U.S. intelligence community and seeks to ensure that this critical function will continue to serve our national security interests into the 21st century. The community faces momentous challenges from both the proliferation of threats facing America and from the rapid pace of technological change occurring throughout society. How we respond to these challenges today will affect our ability to protect American interests in the years ahead.

Some have argued that the end of the cold war should have significantly reduced our need for a robust intelligence collection capability. In fact, the opposite is true. The bipolar world of the Soviet-United States confrontation provided a certain stability with a clear threat and a single principal adversary on which to focus. We now face a world with growing transnational threats of weapons proliferation, terrorism, and international crime and narcotics trafficking, and multiple regional conflicts which create instability and threaten U.S. interests. While we, of course, must continue to closely monitor Russia, which still possesses the singular capability to destroy our country, these emerging threats demand increasing attention and resources.

A decade after the collapse of Soviet communism, the intelligence community continues its difficult transition, from an organization which confronted one threat to one which now must focus on a variety of threats, each unique in its potential to harm the United States. At the same time, the community has been buffeted by the information revolution, which provides tremendous opportunity for intelligence collection, but threatens to overwhelm our ability to process and disseminate information. These twin challenges—new and qualitatively different threats, coupled with an information and technological explosion—threaten the community's ability to serve as an early warning system for our country and a force multiplier for our armed services.

Unfortunately, the intelligence community has often been too slow to confront these challenge and to adapt to these new realities. To make this transition will require the following:

First, the intelligence community must get its budget in order. Although I believe the community probably needs additional resources, the Congress first must be convinced that existing resources are being used effectively.

Second, the various intelligence agencies must begin to function ore corporately—as a community, rather than as separate entities, all with different and often conflicting priorities. This has been a topic of debate for some time. And yet, the passage of time does not seem to have brought us much closer to this objective.

Third, the intelligence community must do a better job of setting priorities. That means making hard decisions about what it will not do. Resources are stretched thin, often because community leadership has been unable to say no. The result is that agencies like the National Security Agency are starved for recapitalization funds necessary to keep pace with technological changes.

Fourth, the community must streamline its bureaucracy, eliminating unnecessary layers of management, particularly those that separate the collector of intelligence from the analyzer of that intelligence.

Finally, the community must revamp its information technology backbone so that agencies can easily and effectively communicate with one another.

These steps will not be easy but are essential if the intelligence community is to stay relevant in today's world. Good intelligence is more important than ever. As we deal with calls for military intervention in far flung locales, intelligence becomes a force multiplier. We rely on the intelligence community to keep us informed of developing crises, to describe the situation prior to any U.S. intervention, to help with force protection when U.S. personnel are on the ground, and to analyze foreign leadership intentions. Solid intelligence allows U.S. policymakers and military commanders to make and implement informed decisions.

Maintaining our intelligence capability is difficult and sometimes expensive but absolutely essential to national security. The committee has identified a few areas that we think are priorities that need additional attention. One area of particular concern is the need to recapitalize the National Security Agency to assure our ability to collect signals intelligence. Collecting and deciphering the communications of America's adversaries provides senior policymakers with a unique source of sensitive information. In 1998, and again this year, the committee asked a group of highly qualified technical experts to review NSA operations. The Technical Advisory Group's conclusions were unsettling. They identified significant shortcomings which have resulted from the sustained budget decline of the past decade. With limited available resources the NSA has maintained its day-to-day readiness but has not invested in needed modernization. Consequently, NSA's technological infrastructure and human resources are

struggling to meet emerging challenges.

The NSA historically has led the way in development and use of cutting edge technology. This innovative spirit has helped keep the United States a step ahead of those whose interests are hostile to our own. Unfortunately, rather than leading the way, the NSA now struggles to keep pace with communications and computing advances.

There is, however, some reason for optimism. The current Director of NSA, General Hayden, has developed a strategy for recovery. He has undertaken an aggressive and ambitious modernization effort, including dramatic organizational changes and innovative business practices. These changes and the rebuilding of NSA's infrastructure will, however, require significant additional resources. The committee decided that this situation demands immediate attention, but the intelligence budget faces the same constrained fiscal situation as other areas of the Federal budget. We have, therefore, realigned priorities within existing resources in order to reverse this downward trend. This was not an easy process and we were forced to make some painful tradeoffs, but ensuring the future of the NSA is the committee's top priority. We cannot stand by and allow the United States to lose this capability. We have taken prudent steps in this legislation to make sure NSA will continue to be the premier signals intelligence organization in the world.

The bill also attempts to address an imbalance that has concerned the committee for some time. We have argued that our ability to collect intelligence far exceeds our ability to analyze and disseminate finished intelligence to the end user. We spend a tremendous amount of the budget developing and fielding satellites, unmanned aerial vehicles and all manner of other senors and collection platforms. These programs are important but too often new sensors are put into place without sufficient thought to how we will process and distribute the additional data. No matter how good a satellite is at collecting raw intelligence, it is useless if that intelligence never makes it into the hands of a competent analyst and then on to an end user.

This imbalance has been particularly acute at the National Imagery and Mapping Agency. At the request of Congress, NIMA has identified projected processing shortfalls associated with its future sensor acquisition plans. NIMA also outlined a three phase modernization to address these shortfalls. Unfortunately, the future year funding profile creates a situation that will force the intelligence community to either cut deeply into other programs or abandon the modernization. The committee has rejected that approach and has realigned priorities in order to avoid this budgetary squeeze in the out years. It makes no sense to purchase expensive collection platforms when the rest of the system cannot handle the amount of intelligence produced.

Beyond the questions of resource allocation, this legislation also address several policy issues, including the problem of serious security breakdowns at the State Department. Over the course of the last 2½ years the Department has been beset by seemingly inexplicable security compromises, the latest being the disappearance of a laptop computer in January of this year. This incident, still unexplained, follows closely on the heels of the discovery of a Russian listening device planted in a seventh floor conference room. Subsequently we learned that there was no escort requirement for foreign visitors, including Russians, to the State Department. Finally, I must mention the 1998 tweed jacket incident. In this case an unidentified man wearing a tweed jacket entered the Secretary of State's office suite unchallenged by State Department employees and removed classified documents. No one knows who he was.

The only conclusion that I can draw is that the State Department culture does not place a priority on security. Despite Secretary Albright's efforts to correct procedural deficiencies and to emphasize the need for better security, we have not seen much progress. The authorization bill contains a provision requiring all elements of the State Department to be certified as in compliance with regulations for the handling of Sensitive Compartmented Information. This is the most highly classified information and is controlled by the Director of Central Intelligence. If a component of the State Department is not in compliance with the applicable regulations, then that office will no longer be allowed to retain or store this sensitive information. It is unfortunate that this provision is necessary, but we must make it clear to individuals who handle classified material that we are serious about enforcing security rules.

A broader but related area of concern is the ability of the U.S. Intelligence community to meet the counterintelligence threats of the 21st Century with current structures and programs. We can no longer worry only about the intelligence services of adversaries such as the old Soviet Union, North Korea, or Cuba. We must deal with ever more sophisticated terrorist organizations and international crime syndicates capable of launching their own intelligence and counterintelligence efforts. We also face challenges from friendly states seeking access to economic data and advanced U.S. technology.

All of these changes argue for a major retooling of a U.S. counterintelligence apparatus designed for the cold war. The Director of Central Intelligence, the Director of the FBI, and the Deputy Secretary of Defense have undertaken an effort, referred to as CI–21, to design the structures and policies that we will need to cope with cutting edge technology and with the emergence of threats from nontraditional sources. I have been encouraged by the early progress made on the CI–21 effort. We have chosen not to include legislative provisions in the bill with the hope that the agencies involved will reach agreement and finalize the CI–21 plan. The report accompanying the bill strongly encourages them to do so and I reiterate that encouragement.

One provision in the bill that has created a bit of controversy is the section that closes a gap in existing law related to the unauthorized disclosure of classified material. This provision will make it a felony for a U.S. government official to knowingly pass classified material to someone who is not authorized to receive it. I say that this provision closes a gap because many categories of classified information are covered by existing statutes. This includes nuclear weapons data and defense information. Unfortunately much sensitive intelligence information does not fall into one of the existing definitions. Disclosure of this information could compromise sensitive sources and in some cases endanger peoples lives. The provision in the bill has been carefully crafted to avoid first amendment concerns and the chairman and I will offer a technical amendment incorporating suggestions made by the Attorney General. It is my understanding that she supports the provision as amended.

Another provision which merits further explanation is the section dealing with treaty implementing legislation. This language provides that future criminal laws enacted to implement treaties will not apply to intelligence activities unless those activities are specifically named in the legislation. On its face this could be interpreted as exempting our intelligence community from the law regardless of the nature of the activity. In fact, this only applies to activities which are otherwise lawful and authorized. Intelligence activities are subject to an extensive set of statutes, regulations and presidential directives. These rules try to balance our need for intelligence to protect our national security with the American sense of values and ethical behavior.

Intelligence gathering—spying—is an inherently deceitful activity. To protect our military forces, thwart terrorist acts, or dismantle drug trafficking organizations, we gather information through surreptitious means. We either convince people to betray their country or cause, or we use intrusive technical means to find out what people are doing or saying. This may make some people uncomfortable, but it is absolutely essential to protecting American interests. Treaties that proscribe certain kinds of behavior should not inadvertently restrict these intelligence activities. If the Congress intends to apply treaty implementing legislation to intelligence activities,

then we should say so explicitly. We want to be precise and ensure that intelligence operatives in the field understand what we expect of them. Ambiguity and uncertainty are more likely to create problems. This provision will put the burden on Congress to make the determination of which treaty restrictions we want to apply to intelligence activities.

I have served on the Intelligence Committee for almost 8 years now and I have had the privilege of serving as vice chairman since January. During that time I have made a few observations that I would like to share. Since I am leaving the committee and the Senate at the end of this year, I have no vested interest other than my continuing belief in the importance of the committee's work conducting oversight of the intelligence community.

My experience leads me to the conclusion that excessive turnover is seriously hampering the effectiveness of the Intelligence Committee—a committee the Senate relies upon and points to in reassuring the American people that the intelligence community is being appropriately monitored by their elected representatives. Because of the 8-year limitation, member turn-over can be, and often is dramatic. For example, when the 107th Congress convenes next January, 5 of the 7 currently serving Democrats will have departed the committee. At the end of the 107th Congress, 5 of the 8 currently serving Republicans will leave the committee.

Over time, this brain drain diminishes the committee's ability to discharge its responsibilities. For example, in 1994 the committee dealt with the Aldrich Ames espionage case, arguably the most devastating counterintelligence failure of the cold war. The committee produced a report extremely critical of the CIA in this case and of the way the CIA and FBI dealt with counterintelligence in general. The Ames debacle led to a major restructuring of our national counterintelligence system with significant legislative input. Yet today, there is only one member on the majority side who served on the committee during that period, and at the end of this year there will be no members on the Democratic side. This lack of corporate memory greatly reduces the committee's effectiveness.

This committee deals with sensitive and complex issues, and much of the committee's business involves the technical agencies such as the National Security Agency and the National Reconnaissance Office. To understand these issues a Senator must invest significant time to committee briefings and hearings. There is no outside source to go to stay abreast of developments in the intelligence community. Just about the time members are beginning to understand these issues they are forced to rotate off the committee. This makes no sense.

The rationale behind the term limits was two fold. First, it was feared that the intelligence community could over time co-opt permanently serving members. In fact, new members who have little experience with the workings of the intelligence community are more dependent on information provided by the intelligence agencies. SSCI members are no more likely to be co-opted by the intelligence community than the members of other authorizing committees are likely to be co-opted by the Departments and agencies they oversee. The second reason term limits were enacted stemmed from the understandable view that the SSCI would benefit from a flow of fresh ideas that new members would bring. But because of naturally occurring turnover, new members have regularly joined the committee, irrespective of term limits. Since the SSCI was created 24 years ago, approximately sixty Senators have served on the committee. Members have served an average of just over 5 years—and approximately 60 percent of committee members have served on the committee less than 8 years. This historical record confirms that vacancies will continue to occur regularly on the SSCI, thus allowing the new faces and fresh ideas. At the same time, however, members who have a long-term interest in the area of intelligence should continue to serve and develop expertise.

My second observation relates to the committee's authority but also to a larger issue that is the question of declassifying the top line number for the intelligence budget. It is difficult to conduct a thorough and rationale debate concerning intelligence policy without mentioning how much money we spend on our intelligence system. Declassifying the top line budget would allow for a healthy debate within the Congress about the priority we place on intelligence. I would provide greater visibility and openness to average Americans, whose tax dollars fund these programs. Disclosure of the overall budget would provide these benefits without damaging U.S. national security. DCI Tenet declassified the budget numbers for top past budgets with no adverse effects, but has declined to continue this practice. I hope that the Congress and the next administration will revisit this issue and left this unnecessary veil of secrecy.

Finally, Mr. President, I want to thank the staff of the Intelligence Committee for the work they do and for the support they have given me as vice chairman. The committee is staffed by professionals dedicated to ensuring that the intelligence community enhances U.S. national security and does so in strict compliance with the intent of Congress. The staff is unique in the Senate in that the vast majority are nonpartisan and go about their business without regard to any political agenda. The four members of the staff with partisan affiliations, the staff directors and their deputies, approach their work with same spirit of bipartisanship that always has been a hallmark of the committee. Let me single our Bill Duhnke and Joan Grimson, the majority staff director and deputy for their excellent cooperation and the courtesy they have extended this year. I should note that Joan is not here today because she is off on maternity leave. I extend my congratulations to her and her husband on the birth of their first child, Jacqueline Anna. I also thank Melvin Dubee, my deputy minority staff director. Melvin brings a wealth of experience to the job, and it has been reflected in the sound advice I have come to depend on him to provide. Vicki Divoll, who joined the committee staff as counsel in January, also has been invaluable to me during the preparation of this legislation and in dealing with other legal issues.

Finally, I would have been lost as vice chairman without the guidance and advice of Al Cumming, the minority staff director. Al kept me well informed and helped me focus on issues that will have a lasting impact on the functioning of the intelligence community. The staff has done superb work on this legislation.

Mr. LOTT. Mr. President, I thank Senator BRYAN for his comments. Obviously, as I said, this is very important legislation. The Intelligence Committee does good work, important work for our committee. It has been partially delayed by misunderstandings which we have worked out. I think everybody is satisfied with this. I thank the chairman for his persistence. I yield to the chairman of the committee.

Mr. SHELBY. Mr. President, I want to take a minute or two and talk about my colleague from Nevada, Senator BRYAN. He is going to be leaving the Senate soon. As the vice chairman of the committee—a long-term and long-time member of the Senate Intelligence Committee—he has been a delight to work with most of the time. Seriously. He puts a lot of effort into what we do on the Senate Intelligence Committee.

I would be remiss if I did not bring that up as we pass this bill tonight. We have a conference to go to. We will be spending a lot of time together in the waning days of this Congress. DICK BRYAN served this country well, first as a State legislator, as the attorney general of his State, as the Governor of his State, and in two terms in the U.S. Senate. I have worked with him on a lot of issues, and I can say this: He is a hard worker, he is smart, he is going to be prepared, he is going to be tough, and he is going to put the Nation first.

Mr. BRYAN. Mr. President, if I may respond to the excessively generous comments of my chairman, my colleague, and my friend, the reality is that working with him has been a pleasure. Without his cooperation and, obviously, trying to work in a bipartisan way to process this piece of legislation and other things we have done since the two of us have been privileged

to serve as chairman and vice chairman, we would not be here today with this bill.

I acknowledge his leadership. The good citizens of Alabama have a fine Member here and a person with whom I have been privileged to work for the last 12 years I have been in the Senate, and most especially this last year when we have served in our respective roles on the Intelligence Committee. I thank him publicly.

Mr. LOTT. 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. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that following the vote relative to the H–1B bill and the visa waiver bill on Tuesday, the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar, en bloc: No. 652, Michael Reagan; No. 654, Susan Bolton; and No. 655, Mary Murguia.

I further ask unanimous consent that following the en bloc consideration, the following Senators be recognized to speak for the allotted timeframes. They are: Senator HATCH for 20 minutes; Senator KYL for 20 minutes; Senator LOTT or designee for 20 minutes; Senator LEVIN for 20 minutes; Senator ROBB for 10 minutes; Senator HARKIN for 30 minutes; Senator LEAHY for 20 minutes; and Senator DURBIN for 10 minutes.

I further ask unanimous consent that following the use or yielding back of time, the nominations be temporarily set aside.

I also ask unanimous consent that following that debate, the Senate then proceed to the nomination of Calendar No. 656, James Teilborg, and there be up to 1 hour each for Senators HATCH, KYL, and LEAHY, and up to 3 hours for Senator HARKIN or his designee, and following the use or yielding back of the time, the Senate proceed to vote in relation to that nominee, without any intervening action or debate, to be followed immediately by a vote en bloc in relation to the three previously debated nominations. I further ask consent that the vote count as three separate votes on each of the nominations.

Finally, I ask consent that following the confirmation votes, the President be immediately notified of the Senate's action and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object, I ask the distinguished majority leader, in good faith, if he would modify his unanimous consent request to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, the nominee for the Eighth Circuit Court, and that her nomination be considered by the Senate under the same terms and at the same time as the nominees included in the majority leader's request?

I ask the majority leader if he would modify his request.

Mr. LOTT. Mr. President, I understand the Senator's interest in that additional nomination. I do not think I have ever moved to discharge the Judiciary Committee on a single nomination or a judge. There are other judges presumably that will also need to be considered. I do appreciate the agreement that has been reached here. I know that it has been difficult for the Senator from Iowa to even agree to this. But in view of the fact that the committee has not acted, I could not agree to that at this time, so I would have to object.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Mr. President, further reserving the right to object for just one more, again, I just want to say to the majority leader that on some of these nominees—I think maybe three of them were nominated, got their hearings and were reported out of committee all within one week in July. Yet Bonnie Campbell from Iowa was nominated early this year. She has had her hearing, and has been sitting there now for four months without being reported out. I just find this rather odd. I haven't heard of any objections to bringing her nomination out on the floor.

I just ask the majority leader whether or not we can expect to have at least some disposition of Bonnie Campbell before we get out of here.

Mr. LOTT. I respond, Mr. President, that I do not get into the background of all the nominees when they are before the committee. I do not know all of the background on these nominees. As majority leader, when nominations reach the calendar, I try to get them cleared. I do think the fact that we had not been able to clear these four, even though they were already on the calendar, has maybe had a negative impact on other nominations being reported on the assumption that, well, if we could not move these, which were, I think, unanimously cleared quickly without any reservations, that that had become an impediment. I do not know that this will remove that impediment, but it looks to me as if it is a positive step.

Mr. HARKIN. I just say to the leader, it seems odd we have a nominee that is supported by both of the Senators from her home State, on both sides of the aisle, on the Republican and Democratic side; and I think she is not getting her due process here in this body. I just want to make that point. I appreciate that.

Mr. LOTT. I say for the RECORD—and you know that it is true because I believe you were with me when he spoke to me—Senator GRASSLEY has indicated more than once his support for the nominee. So he has made it clear he does support her. I do not know all of the problems or if there are any. But perhaps further consideration could occur. I am sure you won't relent.

Mr. HARKIN. I plan to be here every day. I thank the leader.

The PRESIDING OFFICER. Is there objection to the majority leader's original request?

Without objection, it is so ordered.

Mr. LOTT. 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. KYL. 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. KYL. Mr. President, I ask unanimous consent, on behalf of the leader, that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REAR ADMIRAL LOUIS M. SMITH, CIVIL ENGINEER CORPS, U.S. NAVY

Mr. LOTT. Mr. President, it is with great pleasure that I rise to take this opportunity to recognize the exemplary service and career of an outstanding naval officer, Rear Admiral Louis M. Smith, upon his retirement from the Navy at the conclusion of more than 33 years of honorable and distinguished service. Throughout his exemplary career, he has truly epitomized the Navy core values of honor, courage, and commitment and demonstrated an exceptional ability to advance the Navy's facilities requirements within the Department of Defense and the Congress. It is my privilege to commend him for a superb career of service to the Navy, our great Nation, and my home State of Mississippi.

Since September 1998, Rear Admiral Smith has served as the Commander, Naval Facilities Engineering Command, and Chief of Civil Engineers. As the senior civil engineer in the Navy, he is responsible for the planning, design, construction and maintenance of naval facilities around the globe. On Capital Hill, he is best known for his quick wit, entertaining and informative testimony, and ability to communicate the Navy's facilities requirements in addition to his role in developing and executing the Navy's Military Construction, Base Realignment and Closure and Environmental programs. He often testified before congressional committees and ensured

that Members of Congress and their staffs fully understood the Navy's shore infrastructure requirements. In this capacity, Rear Admiral Smith was second to none.

Previously, he served as the Director, Facilities and Engineering Division for the Chief of Naval Operations where he had a hand in shaping the Navy's readiness ashore, as well as numerous quality-of-life initiatives to improve the lives of Sailors and Marines. A true shore facilities expert, his previous public works assignments included Assistant Public Works Officer, Naval Air Station, Brunswick, Maine; Public Works Officer, Naval Air Station, Keflavik, Iceland; and Commanding Officer, Public Works Center, San Diego, California.

As an acquisition professional, he has had numerous contracting assignments, including Officer-in-Charge of Construction, Mid Pacific, Pearl Harbor, Hawaii and Head of Acquisition and Vice Commander of Western Division, San Bruno, California. He embarked on his brilliant naval career as the Officer in Charge of Seabee Team 5301, making three deployments to Vietnam and earning the Bronze Star and Combat Action Ribbon.

The Navy will best remember Rear Admiral Smith for his mastery of the Navy's financial system and his prowess in effectively navigating the political waters within the Beltway. His eight tours in the Nation's Capital began with duty in the office of the Chief of Naval Operations as Facilities Engineer, Security Assistance Division (OP–63). After an exchange tour on the Strategic Air Command staff, he then served as the Director of the Chief of Naval Operations' Shore Activities Planning and Programming Division (OP–44), followed by a tour in the Office of the Comptroller of the Navy. Later, he served in the offices of the NAVFAC Comptroller and the Director of Programs and Comptroller, NAVFAC. After his Command tour in San Diego, he returned to NAVFAC Headquarters as Vice Commander and Deputy Chief of Civil Engineers. Rear Admiral Smith's knowledge of the Fleet, coupled with his unparalleled planning and financial acumen, was absolutely vital to successfully charting the Navy's course through both the 1980s build-up and the post-Cold War draw-down.

Rear Admiral Smith is a native of Milwaukee, Wisconsin, and a graduate of Marquette University where he received his Bachelor of Science in Civil Engineering. He later attended Purdue University where he earned his Master of Science in Civil Engineering. Married to the former Susan Clare Kaufmann of Milwaukee, he and Susan have two sons, Brian and Michael.

My home State of Mississippi has benefitted greatly from the contributions of Rear Admiral Smith's visionary leadership, consummate professionalism, uncommon dedication, and enduring personality. For the State of Mississippi, he was there to assist in the disaster recovery from Hurricane George; he was there to provide outstanding facilities support for U.S. Navy bases in Mississippi; and he was there to assist my staff in providing the highest levels of facilities support for our Navy. On January 1, 2001, he will enter retirement and the Navy will wish him fair winds and following seas. On behalf of the Congress, I congratulate Rear Admiral Louis Martin Smith on the completion of an outstanding and successful career with very best wishes for even greater successes in the future.

ANGELS IN ADOPTION AWARD

Mr. ROCKEFELLER. Mr. President, as a member of the Congressional Coalition on Adoption, I would like to commend Senators MARY LANDRIEU and LARRY CRAIG for their leadership in creating the Angels in Adoption program. I am happy to join in this initiative to honor the special families that open their hearts and homes when they adopt a child. This year I want to recognize a special family from Falling Waters, West Virginia as our very own angels in adoption. The Merryman family has been nominated for the Angels in Adoption Award by Steve Wiseman, Executive Director of West Virginia Developmental Disability Council, for being outstanding examples of adoptive parents.

Scott and Faith Merryman have been happily married for 32 years and live in Berkeley County, West Virginia. They both work in the disability field, Scott as a supervisory mentor at the Autism Center and Faith at the West Virginia Parent Training Information Center, a resource center for parents of children with special needs.

They have 6 children, 8 grandchildren, and one great-grandchild. Two of their children, Richard and Hope, are adopted and they are in the process of adopting another foster child, Charity Megan.

Richard, who has cerebral palsy, is 26 years old, and now lives in his own apartment. Richard is a member of the West Virginia Team of the President's Committee on Mental Retardation and attended the International Academy in 1999. He is also a member of the West Virginia Developmental Disabilities Council and a self-directed activist on accessibility and other disability issues.

Hope was adopted at 13 days old because her birth parents were unable to take care of her. She is now 19 years old and enjoys working as an Assistant Manager in a local restaurant as well as spending time with her family.

Charity Megan came to the Merryman family when she was 14 months old from an institution. She is now 17 years old, and has severe disabilities including facial deformities, stunted growth, mental retardation, and a seizure disorder.

Despite the long hours of care and trips to the doctor, Scott and Faith say that they have learned a lot about the kind of things money can't buy—like love and laughter.

I am proud to honor the Merrymans for the love that they show their family, and to the commitment they share in promoting adoption. In my own state of West Virginia, we have had a 51 percent increase in the number of adoptions since 1995 because of caring families like the Merrymans.

We as a Nation need to continue to offer our support to these special families. As a member of Congress I will continue to introduce legislation that will build on the foundation of the 1997 Adoption and Safe Families Act to ensure our children a safe and stable home.

VICTIMS OF GUN VIOLENCE

Mr. BYRD. Mr. President, it has been more than a year since the Columbine tragedy, but still this 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.

October 2, 1999:

Dian Bailey, 29, Detroit, MI;

Charles L. Coron, 52, New Orleans, LA;

Joanel Facouloute, 46, Miami-Dade County, FL;

Filiberto Gamez, 21, Chicago, IL;

Lucretia Henderson, 13, Kansas City, MO;

Kenneth Holland, 39, Louisville, KY;

Leroy L. Lee, 31, Chicago, IL;

George Morris, 24, Washington, DC;

Hugo Najero, 15, San Antonio, TX;

Majid Radee, 30, Detroit, MI;

Edison Robinson, 25, Detroit, MI;

Harold Swan, 37, Louisville, KY;

Richard Thomas, 30, Philadelphia, PA;

Ruben Trevino, Jr., 46, Houston, TX;

Unidentified male, 17, Portland, OR.

One of the victims of gun violence I mentioned, 13-year-old Lucretia Henderson of Kansas City, Missouri, was shot and killed while riding in a car with her cousin and two friends. Lucretia was killed when her two friends in the backseat began playing with a handgun.

Following are the names of some of the people who were killed by gunfire one year ago on Friday, Saturday and Sunday.

September 29, 1999:

Jeffrey Dowell, 38, Philadelphia, PA;

Jose Escalante, 19, Philadelphia, PA;

Louis Grant, 17, Baltimore, MD;

James Heyden, 23, Detroit, MI;

Jose Martinez, 16, Houston, TX;

Tracey Massey, 25, Charlotte, NC;

Ismael Mena, 45, Denver, CO;
Antoine Moffett, 19, Chicago, IL;
Michael Rivera, 24, Philadelphia, PA;
Alexander Williams, 30, St. Louis, MO;
Christopher Worsley, 46, Atlanta, GA.
September 30, 1999:
William C. Benton, 46, Memphis, TN;
Ziyad Brown, 22, Baltimore, MD;
Carl D. Budenski, 84, New Orleans, LA;
John Cowling, 27, Detroit, MI;
Jason Curtis, 17, San Antonio, TX;
Ellen Davis, 74, Houston, TX;
Benacio Ortiz, 31, Chicago, IL;
Rovell Young, 35, Detroit, MI.
October 1, 1999:
Giles E. Anderson, 35, Hollywood, FL;
Terry Tyrone Dooley, 40, New Orleans, LA;
Vernon Hill, 62, Denver, CO;
Leroy Kranford, 67, Detroit, MI;
Michael Pendergraft, 43, Oklahoma City, OK;
Michael Preddy, 32, Minneapolis, MN;
Carmen Silayan, Daly City, CA;
James Stokes, 27, Washington, DC;
Joanne Suttons, 35, Detroit, MI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation.

THE JAMES MADISON COMMEMORATION COMMISSION ACT

Mr. WARNER. Mr. President, it is unfortunate that James Madison's legacy is sometimes overshadowed by other prominent Virginians who were also founding fathers of the United States. Most Americans can readily recite the accomplishments of George Washington and Thomas Jefferson. And while most people can identify James Madison as an important figure in American history, his exact accomplishments are sometimes less well known than some of his contemporaries. As we approach the 250th anniversary of James Madison's birth, I wish to bring to your attention the outstanding contributions he made to the fledgling United States.

During the course of his life, James Madison exhibited all the best qualities of a politician and a scholar. As a politician, he served as a member of the Virginia House of Delegates, a member of the U.S. House of Representatives, U.S. Secretary of State, and two-term President of the United States. As a scholar, he is associated with three of the most important documents in American history: the U.S. Constitution, the Federalist Papers, and the Bill of Rights. In Virginia, we have paid tribute to James Madison by naming one of our fine state universities after him—James Madison University in Harrisonburg, Virginia.

More than any other American, Madison can be credited with creating the system of Federalism that has served the United States so well to this day. Madison's indelible imprint can be seen in the delicate balance struck in the Constitution between the executive and legislative branches and between the states and the Federal government. In addition to his contributions to the Constitution and the structure of American government, Madison kept the most accurate record of the Constitutional Convention in Philadelphia of any of the participants. Madison's notes from the Convention are a gift for which historians and students of government will forever owe a debt of gratitude.

After the Constitutional Convention, Madison worked toward ratification of the Constitution in two of the states most crucial for the new government: Virginia and New York. He narrowly secured Virginia's ratification of the Constitution over the objections of such prominent Virginians as George Mason and Patrick Henry. He assisted in the New York ratification effort through his contributions to the Federalist Papers.

The Federalist Papers, written by James Madison, Alexander Hamilton, and John Jay are used to this day to interpret the Constitution and explain American political philosophy. Federalist Number 10, written by Madison, is the most quoted of all the Federalist Papers.

As a member of the U.S. House of Representatives, Madison became the primary author of the first twelve proposed amendments to the Constitution. Ten of these were adopted and became known as the Bill of Rights.

James Madison presided over the Louisiana Purchase as Secretary of State under President Jefferson and prosecuted the War of 1812 as President. He was a named party in Marbury vs. Madison, the famous court case in which the Supreme Court defined its role as arbiter of the Constitution by asserting it had the authority to declare acts of Congress unconstitutional.

James Madison was born March 16, 1751, in Orange County, Virginia. Accordingly, I urge your support of the James Madison Commemoration Commission Act, legislation that will recognize the life and accomplishments of James Madison on the 250th anniversary of his birth.

PROPOSED MERGER OF UNITED AIRLINES AND US AIRWAYS

Mr. McCAIN. Mr. President, the Commerce Committee recently approved S. Res. 344, which expresses the Sense of the Senate that a merger of United Airlines and US Airways would hurt consumers' interests. A.G. Newmyer, managing director of U.S. Fiduciary Advisors, similarly addressed the public interest perspective in a guest editorial printed in The Washington Post. I ask unanimous consent that the piece be reprinted in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 20, 2000]

UNITED WE STAND, IN LINE

(By A.G. Newmeyer)

Chicago was created, as the old joke goes, for New Yorkers who like the crime and traffic but wanted colder winters. And now, it seems, Chicago—like other United Airlines hubs—was created for travelers willing to spend their summer vacations waiting in lines at the airport. If United's proposed takeover of US airways goes through, Washington may have been created for Chicagoans who wanted to spend their days in lines at a smaller airport.

Given the size of US Airway's operations in our region (particularly its share of traffic at Reagan National Airport), as well as United's proposed rule in operations of the new DC Air frequent fliers worry that the Clinton administration and Congress might actually permit United's expansion.

United we stand, in line. Divided, we fly . . . at least, some of us.

Federal Aviation Administrator Jane Garvery recently pointed to myriad factors in explaining this summer's air travel debacle; a system operating at peak capacity in a booming economy, weather, labor, issues and so on. United's senior management, at least until its recent apologies seemed happy to point the finger anywhere but in the mirror.

Many of the excuses don't stand up to scrutiny. News reports, for example, have noted that United is quicker than other airlines to blame weather for cancellations. Seldom is it mentioned that a carrier's obligation to pay for hotel rooms and otherwise take care of passengers vanishes when nature is the culprit. Similarly, even if pilots are unwilling to fly their customary schedules, customer service agents at the counters and on the phones could be augmented to take care of the obvious resultant crush. Waiting times make a mockery of such customer-friendly tactics, particularly for passengers finding our exactly how inconvenient the convenience of ticket-less travel is.

Common sense would suggest that United management has a very full plate trying to fly its current fleet. Only the luckiest occasional traveler on United could conclude that the airline has been operating in the public interest this year. Interestingly, the federal government's review of the proposed merger may pay scant attention to common sense.

The government's review focuses largely on antitrust and competitive considerations, not on the broader public interest. Although the Department of Transportation has a role to play, responsibility for the willingness to treat customers like human beings may get short shrift in a review process that is both legal and laughable.

In the long term, business courses are likely to include discussion of how United's management ruined a world-class, respected brand, Labor's ownership role and board seats at United may cause other companies to wonder about the efficacy of such arrangements.

In the short term, the United mess deserves a more thorough governmental review before its management expands its chokehold on passengers to include US Airways and DC Air. Although time is short in this election year, Congress would find vast voter sympathy in reviewing whether applicable merger statutes are appropriate. And before President Clinton finds himself joining the rest of us on commercial flights, he should direct his administration to just say no to a broader role for United in today's unfriendly skies.

COASTAL ZONE MANAGEMENT ACT OF 2000

Mr. KERRY. Mr. President, I rise to make a few remarks on the Coastal Zone Management Act of 2000, legislation to reauthorize the Coastal Zone Management Act. This bill, S. 1534, was passed last Thursday evening by unanimous consent.

To begin, I want to thank Senator SNOWE, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, for putting this legislation on the Committee agenda this Congress and working for its enactment

When Congress enacted the Coastal Zone Management Act in 1972, it made the critical finding that, ''Important ecological, cultural, historic, and esthetic values in the coastal zone are being irretrievably damaged or lost.'' As we deliberated CZMA's reauthorization this session, I measured our progress against that almost 30-year-old congressional finding. And, I concluded that while we have made tremendous gains in coastal environmental protection, the increasing challenges have made this congressional finding is as true today as it was then.

At our oversight hearing on this legislation, Dr. Sylvia Earle testified on the current and future state of our coastal areas. Dr. Earle has dedicated her career to understanding the coastal and marine environment, and knows as much about it as anyone. She warned us that, ''We are now paying for the loss of wetlands, marshes, mangroves, forests barrier beaches, natural dunes and other systems with increasing costs of dealing somehow with the services these systems once provided—excessive storm damage, benign recycling of wastes, natural filtration and cleansing of water, production of oxygen back to the atmosphere, natural absorption of carbon dioxide, stabilization of soil, and much more. Future generations will continue to pay, and pay and pay unless we can take measures now to reverse those costly trends.''

The Coastal States Organization, represented by their chair, Sarah Cooksey, told the Committee that, ''In both economic and human terms, our coastal challenges were dramatically demonstrated in 1998, by numerous fish-kills associated with the outbreaks of harmful algal blooms, the expansion of the dead zone of the Gulf coast, and the extensive damage resulting from the record number of coastal hurricanes and el Nino events. Although there has been significant progress in protecting and restoring coastal resources since the CZMA and Clean Water Acts were passed in 1972, many shell fish beds remain closed, fish advisories continue to be issued, and swimming at bathing beaches across the country is too often restricted to protect public health.''

It is clear from the evidence presented to the Committee in our oversight process and from other input that I have received, that a great need exists for the federal government to increase its support for states and local communities that are working to protect and preserve our coastal zone. To accomplish that goal, the Committee has reported a bill that substantially increases annual authorizations for the CZMA program and targets funding at controlling coastal polluted runoff, one the more difficult challenges we face in the coastal environment.

S. 1534 would provide a significant increase to the CZMA Program. Total authorization levels would increase to $136.5 million in FY2001. For grants under Section 306, 306A, and 309, the bill would authorize $70 million beginning in FY00 and increasing to $90.5 million in FY04. For grants under section 309A, the bill would authorize $25 million in FY00, increasing to $29 million in FY 04; of this amount, $10 million or 35 percent, whichever is less, would be dedicated to approved coastal nonpoint pollution control strategies and measures. For the NERRS, the bill would provide $12 million annually for construction projects, and for operation costs, $12 million in FY 2001, increasing to $15 million in FY04. Finally, the bill would provide $6.5 million for CZMA administration.

This reauthorization also tackles the problem of coastal runoff pollution. This is one of the great environmental and economic challenges we face in the coastal zone. At the same time that pollution from industrial, commercial and residential sources has increased in the coastal zone, the destruction of wetlands, marshes, mangroves and other natural systems has reduced the capacity of these systems to filter pollution. Together, these two trends have resulted in environmental and economic damage to our coastal areas. These effects include beach closures around the nation, the discovery of a recurring ''Dead Zone'' covering more than 6,000 square miles in the Gulf of Mexico, the outbreak of Pfiesteria on the Mid-Atlantic, the clogging of shipping channels in the Great Lakes, and harm to the Florida Bay and Keys ecosystems. In Massachusetts, we've faced a dramatic rise in shell fish beds closures, which have put many of our fishermen out of work.

To tackle this problem, the Coastal Zone Management Act of 2000 targets up $10 million annually to, ''assist coastal communities to coordinate and implement approved coastal nonpoint pollution control strategies and measures that reduce the causes and impacts of polluted runoff on coastal waters and habitats.'' This is an important amendment. For the first time, we have elevated the local management of runoff as national priority within the context of the CZMA program. Runoff is not a state-by-state problem; the marine environment is far too dynamic. States share the same coastlines and border large bodies of waters, such as the Gulf of Mexico, the Chesapeake Bay or the Long Island Sound, so that pollutants from one state can detrimentally affect the quality of the marine environment in other states. We are seeing the effects of polluted runoff both in our coastal communities and on our nation's living marine resources and habitats. I'm pleased that we've included the runoff provision in S. 1534. It's an important step forward and I believe we will see the benefits in our coastal environment and economy.

The Coastal Zone Management Act of 2000, Mr. President, has been endorsed by the 35 coastal states and territories through the Coastal State Organization. It also has the endorsement of the Great Lakes Commission, American Oceans Campaign, Coast Alliance, Center for Marine Conservation, Sierra Club, Environmental Defense, California CoastKeeper and many other groups. It's a long list. I will ask unanimous consent to have printed into the RECORD a letter from support organizations. I add that S. 1534 passed the Senate Commerce Committee, with its regionally diverse membership, unanimously.

I want to thank some of those assisted my staff with this legislation, and helping us pass it in the Senate. They include the Massachusetts Coastal Zone Program office and its Director, Tom Skinner, who provided technical assistance on the program, as well as the Center for Marine Conservation, Natural Resources Defense Council, American Ocean Campaign, the Coastal States Organization and the Coast Alliance. And I thank my colleagues on the Commerce Committee.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 18, 2000.

Hon. TRENT LOTT
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: On behalf of the following organizations, we are writing to urge you to schedule S. 1534, the Coastal Zone Management Act of 2000, for floor consideration as soon as possible. Sponsored by Senators SNOWE and KERRY, S. 1534 has been reported out of the Commerce Committee with unanimous bipartisan support.

Since its enactment in 1972, the Coastal Zone Management Act (CZMA) has helped protect and improve the quality of life along the coast by providing incentives to states to develop comprehensive programs to meet the challenges facing coastal communities reducing their vulnerability to storms and erosion, the effects of pollution on shellfish beds and bathing water quality, and loss of habitat, to name a few.

The CZMA has proven to be a model statute for promoting national, state and local objectives for balancing the many uses along the coasts. There is no better testament to the success of the state/federal partnership forged by the CZMA than the fact that 34 of 35 eligible coastal states, commonwealths and territories have chosen to participate in the program. Federal assistance provided under the Act is matched by states dollar for dollar. Each state can point to significant benefits resulting from the Act, such as improved coastal ecosystem health; revitalized waterfront communities; coastal habitat

conservation and restoration; increased maritime trade, recreation, and tourism; and the establishment of estuarine research reserves which serve as living laboratories and classrooms.

The lands and waters of our coastal zone are subject to increasingly intensive and competing uses. More than half of the Nation's expanding population is located near the coast. S. 1534 will improve the Act by authorizing ''Coastal Community Grants'' to assist states in enabling communities to develop strategies for accommodating growth in a manner which protects the resources and uses which contribute to the quality of life in coastal communities. The bill will help build community capacity for growth management and resource protection; dedicate funding for communities to reduce the causes and impacts of polluted runoff on coastal waters and habitats; and reduce the pressure on natural resources caused by sprawl by targeting areas for revitalization.

As a measure of the support the CZMA has enjoyed, it is worth noting that in 1996, the CZMA reauthorization bill passed by a unanimous vote in the House, and passed the Senate by voice vote. We hope that passage of S. 1534 will form part of the legacy of significant accomplishments of the 106th Congress.

Sincerely,

Anthony B. MacDonald, Coastal States Organization.

Jeanne Christie, Association of State Wetlands managers.

Barbara Jean Polo, American Oceans Campaign.

Jacqueline Savitz, Coastal Alliance.

Dr. Michael Donahue, Great Lakes Commission.

David Hoskins, Center for Marine Conservation.

Cyn Sarthou, Gulf Restoration Network.

Tim Williams, Water Environment Federation.

Ed Hopkins, Sierra Club.

Richard Caplan, U.S. Public Interest Research Group.

Howard Page, Sierra Club—Gulf Coast Group, Mississippi Chapter.

Cindy Dunn, Salem Sound 2000.

Diane van DeHei, American Metropolitan Water Agencies.

Joseph E. Payne, Friends of Casco Bay.

Gay Gillespie, Westport River Watershed Alliance.

James Gomes, Environmental League of Massachusetts.

Judith Pederson, Ph.D., MIT Sea Grant College Program.

Bill Stanton, North & South Rivers Watershed Association.

Robert W. Howarth, Ph.D., Environmental Defense.

Michelle C. Kremer, Surfrider Foundation.

Enid Siskin, Gulf Coast Environmental Defense.

Elizabeth Sturcken, Coastal Advocacy Network.

Polly Bradley, SWIM.

Ken Kirk, Association of Metropolitan Sewerage Agencies.

Denise Washko, California CoastKeeper.

Roger Stern, Marine Studies Consortium.

Victor D'Amato, North Carolina Chapter Sierra Club.

Nina Bell, J.D., Northwest Environmental Advocates.

Donald L. Larson, Kitsap Diving Association.

Cliff McCreedy, Oceanwatch.

Richard Delaney, Urban Harbors Institute, Univ. of Massachusetts, Boston.

Dee Von Quirolo, Executive Director, Reef Relief, Key West, Florida.

CONGRESSMAN JAMES D. ''MIKE'' McKEVITT

Mr. HAGEL. Mr. President, few individuals ever touch the lives of people like the late Mike McKevitt did. Former Congressman and Assistant U.S. Attorney General James D. ''Mike'' McKevitt passed away last week here in Washington, DC. He was a remarkable man, a selfless public servant, and a loyal friend. He was always working on behalf of others to make the world better.

His positive attitude, personal warmth and absolute sense of fair play were most unique in a far too often cynical, and mean-spirited town called Washington, DC. For 30 years, he rose above the pettiness, nonsense and nastiness that often dominates the environment of the world's most powerful city. He made it more fun to be here. He made it all seem more noble than most of it is.

We will all miss Mike McKevitt. We are all better because of him. Our prayers and thoughts go out to his wonderful wife Judy and his daughters and grandchildren.

I ask unanimous consent that the attached obituary from The Washington Post on Congressman McKevitt 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. 30, 2000]

CONGRESSMAN JAMES D. ''MIKE'' MCKEVITT, 71, DIES]

James D. ''Mike'' McKevitt, 71, a partner in the Washington government affairs firm of McKevitt & Schneier who was a former congressman and U.S. assistant attorney general, died Sept. 28 at Sibley Memorial Hospital after a heart attach. He lived in McLean.

Mr. McKevitt served in the House as a Colorado Republican for one term before losing a reelection bid in 1972. During his years in the House, he served on the Judiciary, Interior and Small Business committees.

In 1973, he served as assistant attorney general for legislative affairs, then in 1973 and 1974 was counsel to the White House Energy Policy Office.

From 1974 to 1986, he was federal legislation director of the National Federation of Independent Business. He then practiced law before founding the McKevitt & Schneier government affairs firm in 1986.

Mr. McKevitt was a founding member of the Korean War Veterans Memorial Board. In 1987, the former representative of Colorado's 1st District was honored by Sen. William Armstrong (R–Colo.) as a moving force in the enactment of legislation creating the memorial.

Over the years, he also had served on the board of the USO, the U.S. Capitol Historical Society and the International Consortium for Research on the Health Effects of Radiation. He was a past president of the University Club of Washington, parliamentarian of the 1986 White House Conference on Small Business and a member of the Bowen Commission on Medicare. His hobbies included sailing the Chesapeake Bay.

Mr. McKevitt, who was born in Spokane, Wash., was a 1951 graduate of the University of Idaho and a 1956 graduate of the University of Denver law school. During the Korean War, he served as an Air Force combat intelligence officer in Korea.

He was admitted to the Colorado Bar in 1956 and practiced law in Boulder before serving as an assistant attorney general of Colorado from 1958 to 1967. He then served as district attorney for the city and county of Denver until entering Congress in 1971.

Mr. McKevitt was a member of St. John's Episcopal Church at Lafayette Square in Washington.

His first wife, Doris L. McKevitt, died in 1994. Survivors include his wife, Judith Woolley McKevitt of McLean; two daughters from his first marriage, Kate McLagan of Austin and Julia Graf of Park City, Utah; and four grandchildren.

THE GOVERNMENT LAUNCHES WWW.FIRSTGOV.GOV

Mr. DORGAN. Mr. President, the Administration recently launched a new website, www.firstgov.gov. That website is the first all-government portal and will offer one stop information from over 20,000 separate federal websites. This promises to be a great tool. Throughout the country people will be able to download tax forms, read up on the status of legislation, better understand the Social Security system. But Mr. President, meaningful access to all of the important information depends on what side of the Digital Divide you find yourself. To benefit from websites like firstgov, you must have a computer and understand how to use it, and you must have an Internet connection with speeds fast enough to search databases, view graphics and download documents.

As the demand for high speed Internet access grows, numerous companies are responding in areas of dense population. While urban America is quickly gaining high speed access, rural America is being left behind. Ensuring that all Americans have the technological capability is essential in this digital age. It is not only an issue of fairness, but it is also an issue of economic survival.

To remedy the information gap between urban and rural America, I along with Senator DASCHLE introduced S. 2307, the Rural Broadband Enhancement Act, which gives new authority to the Rural Utilities Service to make low interest loans to companies that are deploying broadband technology to rural America.

The Rural Utilities Service has helped before; it can help again. When we were faced with electrifying all of the country, we enacted the Rural Electrification Act. When telephone service was only being provided to well-populated communities, we expanded the Rural Electrification Act and created the Rural Utilities Service to oversee rural telephone deployment. The equitable deployment of broadband services is only the next step in keeping American connected, and our legislation would ensure that.

If we fail to act, rural America will be left behind once again. As the economy moves further and further towards online transactions and communications, rural America must be able to participate. They must be able to start their own online business if they so desire and access information about government services efficiently.

I look forward to working with my colleagues in the Senate to address this problem and to bring meaningful data access to all parts of this country.

THE MARITIME ADMINISTRATION AUTHORIZATION ACT

Mr. MCCAIN. Mr. President, last Thursday, the Senate passed S. 2487, the Maritime Administration Authorization Act for Fiscal Year 2001. Passage of this measure will help to ensure our nation's maritime industry has the support and guidance it needs to continue to compete in the world market.

The bill authorizes appropriations for the Maritime Administration [MarAd] for fiscal year 2001. It covers operations and training and the loan guarantee program authorized by title XI of the Merchant Marine Act 1936. The House Committee on Armed Services, which has jurisdiction of maritime matters in that body, has chosen to include provisions relating to these authorizations in the House-passed version of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. Further, the House conferees on that measure have refused to fully accept S. 2487 as the Senate position as part of the ongoing House-Senate conference deliberations in part, due to the Senate's slow action on the measure. I hope by passing S. 2487 we will change that course.

In addition to the authorizations for operations and training and the loan guarantee program, S. 2487 amends Title IX of the Merchant Marine Act of 1936 to provide a wavier to eliminate the three year period that bulk and breakbulk vessels newly registered under the U.S. flag must wait in order to carry government-impelled cargo. The bill also provides a one year window of opportunity for vessels newly registered under the U.S.-flag to enter into the cargo preference trade without waiting the traditional three year period.

The bill also would amend the National Maritime Heritage Act of 1994 and allow the Secretary to scrap obsolete vessels in both domestic and international market. It would further convey ownership of the National Defense Reserve Fleet Vessel, *Glacier* to the Glacier Society for use as museum and require the Maritime Administration to including the source and intended use of all funding in reports to Congress. Finally, it amends Public Law 101–115 to recognize National Maritime Enhancement Institutes as if they were University Transportation Centers for purposes of the award of research funds for maritime and intermodal research and requires the Secretary of Transportation to review the funding of maritime research in relation to other modes of transportation.

I want to thank the cosponsors of this measure, Senator HOLLINGS and Senator INOUYE for the assistance in moving this measure forward. I hope my colleagues in the House will join us in supporting passage of this legislation so we can move it on to the President for his signature.

THE LATINO IMMIGRATION FAIRNESS ACT

Ms. LANDRIEU. Mr. President, last week, the Senate majority blocked efforts to bring the Latino Immigration Fairness Act to the floor. This bill embodies the essence of America: providing safe haven to the persecuted and down trodden, supporting equal opportunity for the disadvantaged, and promoting family values to our country's residents.

Many of my Senate colleagues perceive this provision to be a necessary addition to the H–1B Visa bill, which extends temporary residence to 195,000 foreign workers each year for the next two years. The Latino Immigration Fairness Act legitimates certain workers who have been living in the U.S. for over five years, and are ready, willing, and able to permanently contribute to our workforce and communities.

Unfortunately, the Majority's leadership has used parliamentary procedures to block this bill from coming to the floor. I am disappointed that too few Republican leaders support this meaningful legislation becoming law. I am convinced that the Latino Immigration Fairness bill has been proposed in the best interests of our country and in accordance with our obligations to promoting democracy and freedom in our hemisphere.

My support for this legislation is based on four fundamental reasons: First, this bill would provide Central American immigrants previously excluded under the Nicaraguan and Central American Relief Act, NACARA, the opportunity to legalize their status; it would allow immigrants applying for permanent residency to remain in the U.S. with their families instead of forcing them to return to their country of origin to apply (a process that can take months to years to complete); and it would change the registry cutoff date to 1986, which would resolve the 14-year bureaucratic limbo that has denied amnesty to qualified immigrants who sought to adjust their status under the 1986 Immigration Reform and Control Act. Finally, this bill would resolve the status of so many valuable members of American society. There are an estimated 6 million immigrants in the United States who are not yet citizens. A majority of these immigrants have been here for many years and are working hard, paying taxes, buying homes, opening businesses and raising families.

For years, U.S. immigration policy has provided refuge to tens of thousands of these Nicaraguans, Cubans, Salvadorans, Guatemalans, Hondurans, and Haitians fleeing civil war and social unrest in their own countries. In 1997 the Nicaraguan Adjustment and Central American Relief Act was signed into law. This statute protects Cuban and Nicaraguan nationals from deportation from the United States. Those residents who have been in the U.S. since December 1995 can now adjust to permanent resident status. But Salvadorans, Guatemalans, Hondurans, and Haitians are still not as fully protected.

In the last decade, Louisiana has provided refuge to thousands of Hondurans seeking relief from natural and human disasters. Displaced by storms, floods, war, and social unrest, many of these people have found warm and comforting homes for their families in the American Bayou.

My State, particularly in New Orleans, boasts a proud tradition of cultural diversity. The Honduran community was originally brought to Louisiana through a thriving banana trade between the Port of Louisiana and Gulf of Honduras in the early twentieth century. As the community grew, Louisiana's Honduran population became the largest outside of Honduras. For this reason, Louisiana seemed the most logical destination for Hondurans fleeing instability during the 1980s and 1990s. Once again, my state, like many others, opened her doors to our desperate Central American brothers.

The Latino Immigration Fairness Act will help fulfill a promise this government has made to these refugees, and attempt to finish the work of Presidents Reagan and Clinton. Under the Reagan Administration, the Immigration and Naturalization Service set up special asylum programs for these people to reside legally in the U.S.

Since then, they have greatly contributed to American society—raising children, paying taxes, and establishing successful businesses throughout our country—as well as contributed direct support to their relatives left behind in their homelands.

In a democracy such as ours, we must be consistent in the principles we uphold for our Latin neighbors seeking asylum. These people have fled political instability and social upheaval in their native lands.

As the guardian of Democratic ideals and chief opponent of repression in the Western Hemisphere, we must ensure that these residents adjust their status to legal resident under the same procedure permitted for Cubans and Nicaraguans.

In sum, I urge my colleagues to consider the United States' historic commitment to fair immigration policies. Our country has been built and continues to be sustained by immigrants.

In her poem, The Colossus, Emma Lazarus named our country the ''Mother of Exiles.'' Personified by the Statue of Liberty, the United States of America continues to shine her torch on refugees from instability and strife—We have opened our doors to people of all races and nationalities, and have prospered from their valuable contributions to labor, community, and culture.

Now, failure to pass Fairness legislation will take away our promise of

freedom to so many deserving residents, and deny us the gifts they have imparted to our shores.

Contrary to what our critics say, supporting this bill does not condone illegal entry into this country. I am proud of our historic value of the rule of law and territorial integrity. At the same time, I am equally concerned that once certain people have resided in this country for years and contributed to our country's prosperity, some would have us uproot such valuable members of our society.

Let us not eject Honduran, Haitian, Guatemalan, and Salvadoran nationals, who have, for so long, woven into the American fabric, making American families, paying American taxes, building American homes and businesses, and working for American labor.

Let us not revoke the American promise of freedom, and help deport so many valuable members of our society. Let us vote for passage of this very American legislation, the Latino Immigration Fairness Act.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 29, 2000, the Federal debt stood at $5,674,178,209,886.86, five trillion, six hundred seventy-four billion, one hundred seventy-eight million, two hundred nine thousand, eight hundred eighty-six dollars and eighty-six cents. One year ago, September 29, 1999, the Federal debt stood at $5,645,399,000,000, five trillion, six hundred forty-five billion, three hundred ninety-nine million.

Five years ago, September 29, 1995, the Federal debt stood at $4,973,983,000,000, four trillion, nine hundred seventy-three billion, nine hundred eighty-three million.

Twenty-five years ago, September 29, 1975, the Federal debt stood at $552,824,000,000, five hundred fifty-two billion, eight hundred twenty-four million which reflects a debt increase of more than $5 trillion—$5,121,354,209,886.86, five trillion, one hundred twenty-one billion, three hundred fifty-four million, two hundred nine thousand, eight hundred eighty-six dollars and eighty-six cents during the past 25 years.

ADDITIONAL STATEMENTS

NEVADA'S OLYMPIC ATHLETES

• Mr. REID. Mr. President, the 27th Olympiad is now finished, and the United States of America should be very proud of our participants. They showed the world that Americans put their hearts and souls into everything that they do. Part of the reason that I support the Olympic tradition is that these special games are a reflection of the diversity, brotherhood, and spirit that the United States celebrates everyday. I am especially proud of my state and the Olympic participants we sent to Sydney, Australia.

Lori Harrigan, Tasha Schwikert, and Charlene Tagaloa were three Nevadan athletes who gave wholly to the U.S. team in their respective sports.

Lori Harrigan, a pitcher for the champion U.S. softball team, helped her team bring home a second gold medal in as many Olympic Games. Lori has had an amazing softball career for many years now, and since she graduated from UNLV, Lori has won 13 international medals for the United States. Lori will be remembered in Olympic history as the first softball player to pitch a complete no-hitter game, which she accomplished this summer in the opening round game. This summer she lived up to the legacy that she blazed as a UNLV Runnin' Rebel, and her softball accomplishments are properly hallmarked by her retired jersey that UNLV has proudly displayed since 1998.

Las Vegan Tasha Schwikert has been the sweet surprise of the Olympic Games. She was not one of the original members of the U.S. gymnastics team. However, she was later chosen as a second alternate. An unfortunate injury to another gymnast gave Tasha the chance that she deserved for an Olympic appearance. Although Tasha didn't medal, she still showed the world a strong performance. And because of her youth and newly developed international experience, we can expect to see Tasha as a leader in future gymnastic competitions.

The United States women's volleyball team was the underdog of the Olympic indoor volleyball competition, and many did not even expect the team to contend for a medal in Sydney. With the help of Las Vegan, Charlene Tagaloa, the women's volleyball team played in the bronze medal math.

Nevada demonstrated its miulticulturalism during the Olympic Games, because six other current or former UNLV Runnin' Rebels competed for their native countries. These unique individuals include four swimmers and two track runners. These athletes are as follows: swimmers Mike Mintenko of Canada, Jacint Simon of Hungary, Andrew Livingston of Puerto Rico, Lorena Diaconescu of Romania, and sprinters, Ayanna Hutchinson and Alicia Tyson, of Trinidad and Tobago.

Nevada's contribution to the Olympic Games does not end with the efforts of its athletes.

Karen Dennis is not only the head of the UNLV women's track team, but she was chosen to be the U.S. women's track coach. Her talent and expertise undoubtedly contributed to the multiple medals and stellar performances we saw from the U.S. track team this Olympics.

Las Vegan Jim Lykins was chosen to be one of the two umpires from the United States to referee women's softball. He gleefully did not umpire the championship game, because Olympic rules prevent umpires from working any games played by their home country. Not being able to umpire the championship match was a worthwhile sacrifice for the gold medal that we won in the fast pitch softball competition.

We should all remember the character of the 2000 Olympic Games, both the smile evoking and heartbreaking moments, and continue to support the Nevadan and American athletes who have the integrity, dedication, and ability to represent our nation, now and in the future. Congratulations to all of our Olympic participants.•

HONORING THE KARNES ON THEIR 50TH WEDDING ANNIVERSARY

• Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute greatly to society. I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Dorothy and Eddie Karnes, who on October 7, 2000, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Karnes' commitment to the principles and values of their marriage deserves to be saluted and recognized.•

PRIVATE RELIEF BILL FOR FRANCES SCHOCHENMAIER

• Mr. JOHNSON. Mr. President, on September 28, 2000, the United States Senate unanimously approved legislation to provide private relief for Frances Schochenmaier of Bonesteel, South Dakota. Frances' case clearly warrants action by the United States Congress to correct an injustice inflicted upon her family over 50 years ago. I am pleased that the Senate has taken this important step by passing the Private Relief Bill for Frances Schochenmaier, which I was proud to have introduced and was cosponsored by my friend and colleague from South Dakota Senator TOM DASCHLE. I will continue to work diligently with Members of the House of Representatives to ensure the legislation is passed before the end of this Congressional session and signed by the President.

Frances' husband, Hermann Schochenmaier, was one of the thousands of young men who valiantly answered his country's call to duty during World War II. While serving in Europe, Hermann was wounded—shot in the arm in what medical personnel referred to as a through-and-through'' wound. Upon returning home, the Department of Veterans Affairs awarded Hermann a 10 percent disability rating. For 50 years, Hermann received disability compensation for the injury he received during his service in the United States military. Then, in 1995,

the Department of Veterans Affairs acknowledged that it was ''clearly and unmistakably erroneous'' in rating Hermann's injury too low. Instead of a 10 percent rating, Hermann's injuries during World War II were consistent with a 30 percent disability rating.

Over these 50 years, Hermann received approximately $10,000, when he should have actually received closer to $70,000. Unfortunately, only one week prior to the Department of Veterans Affairs correcting this problem, Hermann Schochenmaier passed away. To further complicate matters, the Department of Veterans Affairs refused to give Hermann's family the disability benefits he rightfully earned.

For the past five years, I have worked with Frances to exhaust every avenue within the Department of Veterans Affairs. The answer was always the same: the law does not allow for veterans' widows to receive these lost benefits. So, I decided that it must take an act of Congress—literally—to ensure that a veteran's widow from Bonesteel received the benefits her husband earned, but was denied from receiving in his lifetime.

Thanks to the perseverance from members of my office, the continued faith of Frances and her family, and some bipartisanship among members of Congress, we were able to pass this important legislation in the Senate and put it on a track to be signed into law by the President before the end of this year.

My wife, Barbara, and I are parents of a son who serves our country in the Army, and we know the sacrifices families make when their loved-ones travel overseas in the military. I am sorry that fate denied Hermann the opportunity to see justice done with the correction of his disability rating. I am thankful that fate and old-fashioned elbow-grease over these past five years has given our country the opportunity to make things right with Frances and the Schochenmaier family.●

RECOGNITION OF THE WELLPINIT SCHOOL DISTRICT

● Mr. GORTON. Mr. President, I take the floor of the Senate today to tell you about the hard working teachers, faculty and parents of the Wellpinit School District and their efforts to improve their children's education by bringing technology to the classroom. For their dedication, I am delighted to present the Wellpinit School District with one of my ''Innovation in Education'' Awards.

The Wellpinit School District is located on the Spokane Indian Reservation in Eastern Washington and educates 440 students of which 95 percent are of Native American descent. The K–12 school has already far exceeded any other rural school in Washington state with its efforts to boost the use of technology in the classroom. Under the direction of Wellpinit's Board of Directors and Superintendent Reid Reidlinger, Wellpinit implemented an innovative program that includes increasing student access to computers and improving students' use of the internet and intranet.

Wellpinit reconfigured its curriculum, integrating it with a computer program that allows students from both elementary and secondary grades to access an individualized instructional program for any core subject. The computerized curriculum has been highly effective in increasing national test scores. In fact, Wellpinit was named the highest achieving Indian Reservation school based on the Iowa Test of Basic Skills. Wellpinit has also been selected as one of America's Top 100 Wired Schools by the editors of Family PC Magazine.

Earlier this year, I awarded Quillayute Valley School District one of my ''Innovation in Education'' Awards for developing the Washington Virtual Classroom Consortium (WVCC), which links rural schools together via the Internet in order to pool resources and expand learning opportunities for students and staff. Wellpinit has joined the WVCC to further enhance the educational opportunities for all students.

Superintendent Reid Reidlinger told me, ''Wellpinit has been a model for other schools. Federal grants have helped with bringing technology to our district, and as a result, we have very advanced students.''

I commend all those who have contributed to Wellpinit's technology plan and ask that the Senate join me in recognizing the hard work and commitment of the students, teachers and faculty at the Wellpinit School District.●

IN RECOGNITION OF TOM WILKENS

● Mr. TORRICELLI. Mr. President, I rise today to recognize one of the truly gifted athletes of the state of New Jersey. It gives me great pleasure to extend my congratulations to Tom Wilkens on winning the bronze medal in the men's 2000 meter individual medley event at the XXVIIth Olympic Games in Sydney, Australia.

Despite having asthma and a severe allergy to chlorine, Tom Wilkens has consistently performed as a champion. At the 1999 Pan Pacific Championships, he won a medal of each color, gold in the 200 meter individual medley, silver in the 200 meter breaststroke, and bronze in the 400 meter individual medley. To this impressive collection, he adds a bronze from the Games of the XXVIIth Olympiad.

Tom Wilkens represents the best of New Jersey's athletes. His outstanding representation of New Jersey and the United States at these Olympic Games is a testament to the dedication that has afforded him success in the face of diversity.

Through his efforts, Tom Wilkens has been able to achieve athletic greatness. His commitment to excellence serves as an inspiration and it is an honor for me to be able to recognize his accomplishments.●

TRIBUTE TO MRS. PATTY LEWIS

● Mr. WARNER. Mr. President, I would like to recognize the professional dedication, vision and public service of Mrs. Patty Lewis who will be leaving the staff of the Senate Armed Services Committee at the end of this year to return to the Department of Defense to serve in the Office of the Assistant Secretary of Defense for Health Affairs. It has been a privilege for me to work with Mrs. Lewis and it is an honor to recognize her many outstanding accomplishments.

I asked Mrs. Lewis to join the staff of the Armed Services Committee last October to assist me and the other Members of the Committee deal with the complex issues of improving the Military Health Care System, TRICARE, and providing health care to Medicare-eligible retired military personnel and their families. She is superbly competent and demonstrated a level of professionalism which far exceeded that of many of her contemporaries. Mrs. Lewis is an expert at cutting through the red tape of the military health care bureaucracy and never losing sight of the fact that taking care of the individual is paramount. Her focus was always on doing the right thing for our service members and their families.

Mrs. Lewis has earned a reputation as someone on whom we could rely to provide fresh ideas, detailed research, and practical solutions to complex problems. Her professional abilities and expertise have earned her the respect and trust of her colleagues on both sides of the aisle and in both Houses of the Congress. Mrs. Lewis' ability to clearly see a viable alternative when others could only see the fog of confusion contributed to the success of the Committee on Armed Services in developing the legislation that will, for the first time in history, definitively entitle retired military personnel to the lifetime of health care that they were promised when they were recruited and reenlisted. With Mrs. Lewis' help, we are finally able to fulfill that commitment.

Mr. President, initiative, caring service and professionalism are the terms used to describe Mrs. Lewis. Patty Lewis is a great credit to the Senate and the Nation. As she now departs to share her experience and expertise with the Department of Defense I call upon my colleagues on both sides of the aisle to recognize her service to the Senate and wish her well in her new assignment.●

HONORING INDUCTEES INTO THE HALL OF VALOR

● Mr. SANTORUM. Mr. President, I rise to day to honor the veterans who will be inducted into the Hall of Valor at Soldiers' & Sailors' Memorial Hall. On October 14, 2000, 15 veterans, all of whom served in World War II, will be inducted in the Hall of Valor. All the

veterans being recognized have received either the Silver Star or the distinguished Flying Cross and are residents of Allegheny County and other areas of Pennsylvania.

Each inductee has distinguished himself through gallantry and courage at the risk of his own life, above and beyond the call of duty. This nation values their service and has recognized these acts of heroism and bravery and those of other servicemen and women. Today, I would like to remember and acknowledge the extraordinary valor each inductee displayed in the name of freedom.

Induction in the Hall of Valor is one way we can bear witness to and acknowledge the service of each inductee. I wish to extend my sincere gratitude for their sacrifice and dedication in the U.S. Armed Forces. All of the heroes we honor today—both those present and those who have gone before us—deserve the highest esteem and admiration. I ask my Senate colleagues to join me in recognizing a few of our nation's veterans as they are inducted into the Hall of Valor at Soldiers' & Sailors' Memorial Hall in Pittsburgh, PA.

In recognition of their actions, Joseph Burdis, Jr., Samuel L. Collier, James J. Fisher, James W. Regan, John A. Somma, William G. Stampahar, Leonard R. Tabish, and Arthur R. Kiefer, Jr. will be inducted in the Hall of Valor. The following veterans will be posthumously inducted: Richard Ascenzi, William John Beynon, Thomas J. Korenich, John Lipovsik, Jr., Joseph Anthony Papst, Michael J. Popko, and Sigmund J. Zelczak.●

TRIBUTE TO DAVID VILLOTTI

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to David Villotti of Amherst, NH, on being nominated for the ''Angels in Adoption'' award. David has worked tirelessly to improve the lives of many children throughout New Hampshire.

David's mission is to provide care and support to the neediest children and families in New Hampshire. David has worked to reunite ''his'' children at the Nashua Children's Home to their biological families or, if necessary, have them placed in foster care or adopted into loving families. Some of these children have experienced a tremendous amount of emotional and physical trauma. David creates an environment that is safe for these children to grow while they await word on their family situation.

When David first began working at the Nashua Children's Home 15 years ago, there were 18 children in residence. Today there are 46. David and his staff continue to provide support to families while allowing children the environment that they need to grow and mature into well-adjusted teenagers and adults. I am proud to have nominated David for the ''Angels in Adoption'' award for the state of New Hampshire.

David, it is an honor to serve you in the U.S. Senate. I wish you all the best in your future endeavors. May you always continue to inspire those around you.●

TRIBUTE TO DR. WENDELL WEART

● Mr. DOMENICI. Mr. President, I rise to commend a fellow New Mexican, Dr. Wendell Weart. He is a remarkable scientist, an international authority on radioactive waste management, and the Senior Fellow at Sandia National Laboratories in Albuquerque, New Mexico. After his distinguished career, he is retiring in October. His outstanding abilities have been crucial to the success of the world's first deep geologic repository for radioactive waste. It is highly appropriate that we recognize his contributions to that project and to the nation.

The Waste Isolation Pilot Plant in New Mexico began receiving defense-program radioactive wastes in 1999. The process that led to its opening was long and difficult, requiring the solution of innumerable technical and social problems. Although many people contributed to the solution of those problems, Dr. Weart's role was paramount throughout.

He led Sandia's technical support for the project from its beginnings in the early 1970s. In the early years his efforts were essential to the exploratory investigations and the final selection of the repository site. He then led the project through the conceptual design of the repository, through the formulation and implementation of the investigations that demonstrated the site's suitability, and through the arduous process of obtaining regulatory approvals. The rigorous scientific basis finally achieved for the repository was due in no small part to Dr. Weart's own scientific expertise and to his unmatched leadership.

At least as important as these highly technical contributions was Dr. Weart's ability to instill confidence among the scientific community and the public. His skill in explaining complex issues, his truthfulness in all controversies, and his tireless patience in dealing with questions and frustrations for more than twenty-five years—all were indispensable contributions to the project. Without the trust Dr. Weart engendered, the Waste Isolation Pilot Plant, though scientifically well grounded, might still have failed to obtain scientific, regulatory, and social approval.

The permanent disposal of radioactive wastes has proved intractable in many countries. Thanks largely to Wendell Weart, the United States now has an operating repository. Congress and the American taxpayers owe him our most sincere thanks and our best wishes.●

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.)

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on September 29, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House disagrees to the amendment of the Senate to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs 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. SKEEN, Mr. WALSH, Mr. DICKEY, Mr. KINGSTON, Mr. NETHERCUTT, Mr. BONILLA, Mr. LATHAM, Mrs. EMERSON, Mr. YOUNG of Florida, Ms. KAPTUR, Ms. DELAURO, Mr. HINCHEY, Mr. FARR, Mr. BOYD, and Mr. OBEY be the managers of the conference on the part of the House.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that during the recess of the Senate, on September 29, 2000, he had presented to the President of the United States, the following enrolled bill:

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the ''Lance Corporal Harold Gomez Post Office.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2829: A bill to provide for an investigation and audit at the Department of Education (Rept. No. 106–448).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 1840: A bill to provide for the transfer of public lands to certain California Indian Tribes (Rept. No. 106–449).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2400: A bill to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District (Rept. No. 106–450).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2757: A bill to provide for the transfer or other disposition of certain lands at Melrose

Air Force Range, New Mexico, and Yakima Training Center, Washington (Rept. No. 106–451).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. 2872: A bill to improve the cause of action for misrepresentation of Indian arts and crafts (Rept. No. 106–452).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2873: A bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States (Rept. No. 106–453).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment and an amendment to the title:

S. 2877: A bill to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin , Oregon (Rept. No. 106–454).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 2977: A bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles (Rept. No. 106–455).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2885: A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes (Rept. No. 106–456).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 2496: A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994 (Rept. No. 106–457).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

H.R. 3069: A bill to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia (Rept. No. 106–458).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with amendments:

H.R. 3292: A bill to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana (Rept. No. 106–459).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4275: A bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes (Rept. No. 106–460).

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 4286: A bill to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama (Rept. No. 106–461).

H.R. 4318: A bill to establish the Red River National Wildlife Refuge (Rept. No. 106–462).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 4579: A bill to provide for the exchange of certain lands within the State of Utah (Rept. No. 106–463).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 1460: A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe (Rept. No. 106–464).

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals'' (Rept. No. 106–465).

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

H.R. 4002: A bill to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 3076: A bill to establish an undergraduate grant program of the Department of State to assist students of limited financial means from the United States to pursue studies abroad.

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 3144: An original bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committee were submitted during the recess on Friday, September 29, 2000:

By Mr. HELMS for the Committee on Foreign Relations.

Treaty Doc. 106–39 Treaty With Mexico on Delimitation of Continental Shelf (Exec. Report No. 106–19).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the United Mexican States on the Delimitation of the Continental Shelf in the Western Gulf of Mexico Beyond 200 Nautical Miles, signed at Washington on June 9, 2000 (Treaty Doc. 106–39), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISIO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–43 Protocol Amending the 1950 Consular Convention with Ireland (Exec. Report No. 106–20)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the 1950 Consular Convention Between the United States of America and Ireland, signed at Washington on June 16, 1998 (Treaty Doc. 106–43), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 104–35 Inter-American Convention on Serving Criminal Sentences Abroad (Exec. Report No. 106–21)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Inter-American Convention on Serving Criminal Sentences Abroad, done in Managua, Nicaragua, on June 9, 1993, signed on behalf of the United States at the Organization of American States Headquarters in Washington on January 10, 1995 (Treaty Doc. 104–35), subject to the conditions of subsections (a) and (b).

(a) The advice and consent of the Senate is subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—With respect to Article V, paragraph 7, the United States of America will require that whenever one of its nationals is to be returned to the United States, the sentencing state provide the United States with the documents specified in that paragraph in the English language, as well as the language of the sentencing state. The United States undertakes to furnish a translation of those documents into the language of the requesting state in like circumstances.

(2) UNDERSTANDING.—The United States of America understands that the consent requirements in Articles III, IV, V and VI are cumulative; that is, that each transfer of a sentenced person under this Convention shall require the concurrence of the sentencing state, the receiving state, and the prisoner, and that in the circumstances specified in Article V, paragraph 3, the approval of the state or province concerned shall also be required.

(b) The advice and consent of the Senate is subject to the following conditions, which are binding upon the President but not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997

(2) PROVISO.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–54 Treaty With Belize for the Return of Stolen Vehicles (Exec. Report No. 106–22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles, with Annexes and Protocol, signed at Belmopan on October 3, 1996 (Treaty Doc. 105–54), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUMMARY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–40 Treaty With Costa Rica on Return of Vehicles and Aircraft (Exec. Report No. 106–22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Costa Rica for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at San Jose on July 2, 1999 (Treaty Doc. 106–40), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–7 Treaty With Dominican Republic for the Return of Stolen or Embezzled Vehicles (Exec. Report No. 106–22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Dominican Republic for the Return of Stolen or Embezzled Vehicles, with Annexes, signed at Santo Domingo on April 30, 1996 (Treaty Doc. 106–7), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–58 Treaty With Guatemala for the Return of Stolen or Robbed, Embezzled or Appropriated Vehicles and Aircraft (Exec. Report No. 106–22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a Related Exchange of Notes, signed at Guatemala City on October 6, 1997 (Treaty Doc. 105–58), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

Treaty Interpretation.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 106–44 Treaty With Panama on Return of Vehicles and Aircraft (Exec. Report No. 106–22)

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Panama for the Return of Stolen, Robbed, or Converted Vehicles and Aircraft, with Annexes, signed at Panama on June 6, 2000, and a related exchange of notes of July 25, 2000 (Treaty Doc. 106–44), subject to the declaration of subsection (a) and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding upon the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following provisio, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

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 Ms. SNOWE:

S. 3141. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of annual screening pap smear and screening pelvic exams; to the Committee on Finance.

By Mr. WARNER:

S. 3142. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SESSIONS (for himself, Mr. JEFFORDS, Mr. BROWNBACK, Ms. COLLINS, Mr. HUTCHINSON, and Mr. STEVENS):

S. 3143. A bill to improve the integrity of the Federal student loan programs under title IV of the Higher Education Act of 1965 with respect to students at foreign institutions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THOMPSON:

S. 3144. An original bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to

establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers; from the Committee on Governmental Affairs; placed on the calendar.

By Mr. BREAUX:

S. 3145. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities; to the Committee on Finance.

By Mr. CAMPBELL:

S. 3146. A bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands; read the first time.

By Mr. ROBB (for himself, Mr. SARBANES, Ms. MIKULSKI, Mr. WARNER, Mr. LEVIN, Mr. DEWINE, and Mr. JEFFORDS):

S. 3147. A bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass; to the Committee on Energy and Natural Resources.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 3148. A bill to provide children with better access to books and other reading materials and resources from birth to adulthood, including opportunities to own books; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 3142. A bill to expand the boundary of the George Washington Birthplace National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

Mr. WARNER. Mr. President, today, I am introducing legislation to expand the boundary of the George Washington Birthplace National Monument in Westmoreland County, Virginia by allowing the U.S. Park Service to acquire portions of the surrounding property from willing sellers. Previously, on September 28, 2000, I offered S. 3132 to allow the Park Service to acquire one acre of property adjacent to the park. The bill I introduce today will allow the Park Service to acquire 115 acres from willing sellers, including the one acre referenced in S. 3132. I urge my colleagues to support the preservation of George Washington's birthplace. I ask unanimous consent that the full 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. 3142

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

SECTION 1. GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT BOUNDARIES ADJUSTED.

(a) SHORT TITLE.—This Act may be cited as the ''George Washington Birthplace National Monument Boundary Adjustment Act of 2000''.

(b) BOUNDARY OF GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT.—The boundary of the George Washington Birthplace National Monument (hereinafter referred to as the ''monument'') is modified to include the area comprising approximately 115 acres, as generally depicted on the map entitled ''George Washington Birthplace National Monument Boundary Map Westmoreland County Virginia'', numbered 332/80,011B, and dated July 2000. The map shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) ACQUISITION OF LANDS.—The Secretary of the Interior may acquire land or interests in land described in subsection (b) by donation, purchase from willing sellers with donated or appropriated funds, or exchange.

(d) ADMINISTRATION OF LANDS.—Lands added to the monument pursuant to subsection (b) shall be administered by the Secretary of the Interior as part of the monument in accordance with the laws and regulations applicable hereto.

By Mr. SESSIONS (for himself, Mr. JEFFORDS, Mr. BROWNBACK, Ms. COLLINS, Mr. HUTCHINSON, and Mr. STEVENS):

S. 3143. A bill to improve the integrity of the Federal student loan programs under title IV of the Higher Education Act of 1965 with respect to students at foreign institutions; to the Committee on Health, Education, Labor, and Pensions.

FEDERAL STUDENT LOAN PROGRAMS IMPROVEMENTS ACT

Mr. SESSIONS. Mr. President, I am concerned that we as a Congress have not been effective enough in oversight; that is, looking at the Federal agencies and Departments of this Government to make sure they are operating effectively.

We ooh and ah and make complaints and express concern, but we do not often follow through. I know fundamentally it is the responsibility of the administration to run the executive branch, but Congress does fund that branch and has every right to insist that branch does its duty effectively, expeditiously, and economically with minimum waste, fraud, and abuse.

I had the pleasure about a year ago to have a conversation with a wonderful lady, Melanie DeMayo, who used to work with Senator Proxmire and was involved in his ''Golden Fleece Award'' presentations. She convinced me I could play a role in helping to make sure, when a dollar is extracted from a hard-working American citizen and is brought to this Senate, this Government, to be spent, that it is spent wisely and not wasted or abused or ineffectively utilized to carry out whatever worthwhile program was intended. I appreciate her insight and help in thinking this through.

I have developed what I call Integrity Watch. I spent a number of years as a Federal prosecutor. I believe we can do a better job of maintaining integrity in this Government. When we are spending $1.7 trillion a year, it is incumbent upon us to make sure there is oversight over these programs.

I have come to realize that we have a very large student loan program, and there are some problems with it. Today I am offering legislation to create a 12-month fraud control pilot program to reduce the incidence of fraud in the Federal Family Education Loan Program and other programs under title IV.

In recent years, there have been a number of cases of so-called students falsely claiming they are attending foreign schools, directing that their student loan checks be paid directly to them and not to the school, and then taking the money and spending it on themselves and not attending the foreign school. This fraud has been documented with many examples listed in a 1997 Department of Education inspector general's report.

In addition, the report contains recommendations on tightening controls for the program. Too often these reports are dry, detailed, and complicated. Nobody in this body even reads them, much less acts on them. Certainly, I doubt the President, who says he wants to increase foreign student loans, has read the report. We certainly have not seen any request from the administration to improve this. I believe we can and should do it in Congress.

It is time, I believe, for this Congress to close the loopholes which allow these phantom students to defraud the Government.

On April 19, 2000, President Clinton and Secretary of Education Riley declared that international education is a priority with them. They want to encourage more students to study abroad. In fact, the President issued a memorandum to the heads of executive departments and agencies stating that the United States is committed to promoting study abroad by U.S. students. He stated:

> The Secretaries of State and Education shall support the efforts of schools and colleges to improve access to high-quality international educational experiences by increasing the number and diversity of students who study and intern abroad, encouraging students and institutions to choose nontraditional study-abroad locations, and helping under-represented United States institutions offer and promote study-abroad opportunities for their students.

Study abroad can be a wonderful experience for a student, and I do not oppose some form of student loan aid to students who want to take advantage of that. It can be an extraordinarily enriching experience. We do need to ensure that the program involves study and not a European vacation at the expense of hard-working American taxpayers for whom a visit to the ball park is often beyond their budget.

This new initiative by the administration will increase the risk of fraud unless we institute sound controls immediately. I am not referring to U.S. universities that have foreign programs or cooperative programs with foreign universities. I am talking about mainly the unsupervised foreign-based

institutions. Some of these institutions have already been criticized by General Accounting Office studies. Often these marginal schools are the very schools the so-called students use in their fraud scam. Their fraud is committed when they state they are registering in these schools and then simply pocket the money with no one the wiser.

Since 1995, there have been 25 felony convictions of students who fraudulently claimed they were attending a foreign school, and then they just cashed their Government loan check and simply did not attend class. In the United States, the check is made out to the school and the student, but with regard to foreign schools, the check is made out simply to the students. These are only the students who were caught doing their fraudulent activity. I have no doubt there are many more who have not been apprehended. That is why we ought to take action. We must prevent cases such as this one.

Mr. Conrad Cortez claimed to be such a student, and he applied for student loans. In March of 2000, he admitted to charges of submitting 19 fraudulent student loan applications over a 3-year period. He pled guilty before a U.S. district court judge to numerous accounts of mail fraud, bank fraud, and Social Security account number fraud in the State of Massachusetts. The prosecutor told the court in that case that Cortez was responsible for dozens of other loans filed outside Massachusetts—in Florida and Texas.

The absolute disregard for the American taxpayers was epitomized by Conrad Cortez. Mr. Cortez was living high at the expense of American taxpayers and in violation of law by filing false documents to receive loan money from the Government.

During the period from 1996 through 1999, he bought gifts for his friends, including jewelry and cars, paid for private tennis lessons, made a downpayment on a house, sent some money back to his native Colombia, ate in the best restaurants, and even paid restitution for a previous charge of defrauding the Government, and he did this all with the American taxpayers' money.

Mr. Cortez' fraud only ended when he was turned in by his sister's boyfriend, who claimed that Mr. Cortez had used his identity to obtain additional loans. In fact, Mr. Cortez was about to help himself to $800,000 that you and I pay in income taxes. He had filed 37 false claims in all, spending the money as fast as it came in to him.

The inspector general's office of the Department of Education, with the FBI, and the attorney general's office in Boston combined forces to apprehend him before he could get all the money that was coming to him through those false loans. He did, however, pocket about $300,000 before he was caught.

This is not an isolated case. In 1994, the General Accounting Office found that the Department of Education had approved student loans to hundreds of students attending 91 foreign medical schools. Frankly, I am not sure there are 91 medical schools out there in this world, outside the United States, for which we ought to be funding education. If somebody comes to this country expecting to be a doctor, we need to know they have met certain quality education standards. But, at any rate, that is what we hear.

In applying its standards, the Department of Education relies exclusively on information submitted by those foreign schools as to their viability. Enforcement and oversight problems at the Department still abound. Who is to say how many students have fraudulently applied for loans? There isn't a report on that. Those are unknown unknowns, as they say in management. We cannot measure what we do not know.

Most likely, the greatest abuse of the system occurs when the student, for various reasons, just pockets the money and never goes to class. Under the present system, who will know? We do know that the system is broken. This legislation is one step toward fixing it.

Another abuse occurs when a foreign school is actually paid the tuition but does not insist that the student attend class and provides no real education to the student. I guess a foreign school could simply be glad to get the American money, the American check, and at that point it is up to the student whether or not he or she actually attends class or learns anything. I think we need to have the Department of Education look into that and make sure students are actually attending class and not taking a European vacation.

Mr. Cortez demonstrated a perfect example of why this program is high risk. There simply is not enough oversight. Currently, the methodology for approving and releasing student loan funds is vulnerable. Current law states that the student may request a check be issued directly to him or her, when claiming they are attending a foreign school, and a check will be sent directly to them, without the requirement of a cosignature by the school.

The Office of Inspector General at the Department of Education identified weaknesses and deficiencies in the following areas of the foreign school attendance programs: Verification of enrollment, the disbursement process, the determination of the borrowers' eligibility, standards of administrative and financial capability on the part of the foreign school, and general oversight of foreign schools.

The same Office of Inspector General report—that is the Department of Education's own inspector general's office within that Department—stated that the number of students claiming to attend foreign schools and applying for loans increased each academic year from 1993 to 1997 and went from 4,594 students to 10,715 students. Later figures show the number continues to increase. Indeed, in 1998–1999 there were 12,000 foreign loans.

My legislation will require the Secretary of Education to initiate a 12-month fraud control pilot program involving guaranty agencies—those are the people who put up the loan money guaranteed by the Federal Government—lenders, and a representative group of foreign schools to reduce the incidence of fraud in the student loan program. I believe the Secretary should look into a number of solutions.

Maybe the guaranty agencies should confirm that the student is enrolled in the foreign school before the loan is actually disbursed. After the money has been disbursed to the student, maybe the guaranty agencies should confirm that the student remains registered.

The Secretary should also determine whether it would be advantageous to require a loan check to be endorsed by both the student and the foreign institution. I am inclined to think it is. But we shall see. Maybe this evaluation period can help us determine that.

The question then becomes, Why are we paying for students to go to foreign schools? These are American taxpayers' dollars flowing to foreign economies where the standards of education may not be as high as ours. I have checked with the higher education systems in my State. They certainly are not at full capacity and certainly can handle more students.

Perhaps there should be some limit on the number of years of study abroad. How many? Five? Six? Seven? Is that limited today? No, it is not. Maybe we ought to limit the number of years that the taxpayers will fund foreign education. Today there is no limit. Students can complete their entire education abroad, supported by the taxpayers, sometimes not in good institutions. Perhaps the quality of the institution should be verified, among other things. But this will not be an issue raised by our legislation today.

Our legislation will simply go to the question of whether or not we can improve the way we guard against actual fraud in these loans. It will begin the process of erasing the fraudulent behavior of ''students'' claiming they are attending foreign schools and then pocketing the money for their personal lifestyle.

So I introduce this legislation today and hope my colleagues will quickly support such a measure as this because I believe it will reduce the fraud that has been plainly demonstrated in a critical report by the Office of Inspector General of the U.S. Department of Education.

In the course of working on this, I would like to express my appreciation to a number of people who have played an important role in this. I thank the cosponsors of this legislation, including Senator JEFFORDS, who chairs the Health, Education, Labor, and Pensions Committee; Senator TIM HUTCHINSON of Arkansas, who is here, who has been a supporter and has had a great interest in this as a cosponsor; along with Senators BROWNBACK and COLLINS.

I also express my appreciation to Scott Giles of Senator JEFFORDS's office; to Melanie DeMayo, who has done such a tremendous job helping us identify and research this problem; and Anthony Leigh of my staff, who is with me now, who has helped me work on this.

We believe this is perhaps not a glamorous issue but an important issue, an important step we can take to eliminate plain fraud that is clearly occurring around this country to a substantial degree, defrauding the taxpayers of the money they have sent to Washington.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I commend the distinguished Senator from Alabama for his work in this area. I am glad I am cosponsoring the bill. Senator SESSIONS has been one of the tireless leaders in education and in rooting out fraud and abuse in the Department of Education.

I also mention, with Senator SESSIONS' help on the Education Committee, we recently sent a bill out that I sponsored on the Senate side, that passed the House of Representatives, which would require a fraud audit of the Department of Education be performed by the General Accounting Office within 6 months.

While the Senator is dealing with one specific area of fraud that is very serious, for which this legislation needs to be enacted, there are other examples of fraud, mismanagement, and abuse within the Department of Education that have come to light in recent days.

We are hopeful that legislation can move before this session ends. It is ironic that there are those who want the Department of Education to have even more power, such as in the hiring of 100,000 teachers or in school construction projects, when it is clearly a troubled agency that has had a real problem in even having a clean audit of their books.

So I commend the Senator heartily and appreciate the work he is doing.

By Mr. ROBB (for himself, Mr. SARBANES, Ms. MIKULSKI, Mr. WARNER, Mr. LEVIN, Mr. DEWINE, and Mr. JEFFORDS):

S. 3147. A bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass; to the Committee on Energy and Natural Resources.

FREDERICK DOUGLASS MEMORIAL

Mr. ROBB. Mr. President, I rise to introduce legislation to authorize a memorial and gardens in honor and commemoration of Frederick Douglass. Frederick Douglass was a renowned abolitionist and civil rights leader. As a powerful orator, Douglass spoke out against slavery. As an advisor to President Abraham Lincoln, Douglass advocated for equal voting rights for African Americans. Frederick Douglass spent over 20 years living in the Anacostia region of Washington, D.C. and it is appropriate that we dedicate the National Memorial and Gardens to his memory in the community where he lived. As companion legislation gains momentum in the House, it is important that we pledge our support to this worthy endeavor.

Mr. DODD (for himself and Mr. KENNEDY):

S. 3148. A bill to provide children with better access to books and other reading materials and resources from birth to adulthood, including opportunities to own books; to the Committee on Health, Education, Labor, and Pensions.

ACCESS TO BOOKS FOR CHILDREN ACT

Mr. DODD. Mr. President, I rise today to offer a bill to enhance our efforts to provide children with opportunities to develop literacy skills and a love of reading through access to and ownership of books. I am pleased to be joined in this effort by Senator JEFFORDS, Senator KENNEDY, and Senator MURRAY.

This bill would continue the good work of the Inexpensive Book Distribution program which we know as Reading is Fundamental (RIF), and would authorize two new programs to support public/private partnerships with the mission of making books and reading an integral part of childhood and of providing books to children who may have no books of their own. Books opened a new world for me as a child and I want to make sure that all children have that same opportunity.

Books are almost magical in their power. They inspire children to dream, to imagine infinite possibilities and ultimately to work to make some of those possibilities real. But for too many children, the power of books is unrealized because of their own inability to read and because of limited access to books in their homes and communities. In 1998, 38 percent of fourth graders in America ranked below the basic level of reading according to the National Assessment of Educational Progress. Sixty-four percent of African American and 60 percent of Hispanic American fourth graders read below the basic level of reading.

These children are at high risk of never learning to read at an advanced level. When children do not learn to read in the early years of elementary school, it is virtually impossible to catch up in later years. Research shows that if a child cannot read well by third grade, the prospect of later success is significantly diminished. Seventy-five percent of students who score below grade level in reading in third grade will be behind grade level in high school.

But the foundation on which literacy is built, begins much earlier. Reading to babies teaches them the rhythms and sounds of language. As early as pre-school, children can recognize specific books, can understand how to handle them, and can listen to stories for in books. The National Research Council's 1998 landmark study, ''Preventing Reading Difficulties in Young Children,'' makes clear that to become good readers, children need to learn letters and sounds, they need to learn to read for meaning, and they must practice reading with many types of books to gain the speed and fluency that makes reading rewarding.

We know that children who live in print-rich environments and are read to in their early years are much more likely to learn to read on schedule. However, parents of children living in poverty often lack the resources to buy books, rarely have easy access to children's books, and may face reading difficulties of their own. For many families, where the choice is between buying books to read at home and buying food or clothes, federal programs that support book donations and literacy can change lives.

This legislation creates what I call the Access to Books for Children program (or ABC). It provides children with better access to books and resources from birth to adulthood, including opportunities to own books. The success of the Inexpensive Book Distribution Program is well-known. This program has enabled Reading Is Fundamental, Inc. (RIF) to put books in the hands and homes of America's neediest and most at-risk children. RIF is the nation's largest children's and family literacy organization. Through a contract with the U.S. Department of Education, RIF provides federal matching funds to thousands of school and community based organizations that sponsor local RIF projects. Some 240,000 parents, educators, care givers, and community volunteers run RIF programs at more than 16,500 sites that reach out to serve 3.5 million kids nationwide. This bill would continue the good work of the Inexpensive Book Distribution Program and increase the authorization for this program to $25 million.

This legislation also supports two new public/private partnerships to reach children with books and literacy services. The Local Partnerships for Books programs is funded not to support a new literacy project, but to support the ones that already exist with low cost or donated books. The program would support local partnerships that link with grassroots organizations to provide them with low-cost or donated books for at-risk, low income children. Local Partnerships for Books is organized around the principle that the private sector should be a major player in this effort to put books in the hands of our Nation's children through donations and partnerships.

This legislation would also support Partnerships for Infants and Young Children—a program that makes early literacy part of pediatric primary care. This program would support linking

literacy and a healthy childhood. Visits to a pediatrician are a regular part of early childhood and offer an excellent opportunity to empower parents to build the foundations for literacy. This initiative is modeled on Reach Out and Read (ROR) which utilizes a comprehensive approach—including volunteer readers in waiting rooms, physician training in literacy, and providing each child with an age appropriate book during each visit—to support parents in developing literacy in their children. An evaluation of this program found that parents are ten times more likely to read to their children if they received a book from their pediatrician.

Mr. President, this legislation is just one piece of the larger puzzle we must confront as we struggle to improve our children's literacy skills—but it is a piece that cannot be overlooked. To learn to read, kids need books to read; it is as simple as that. This legislation will harness the energies and commitment of volunteers, corporate America, local literacy programs, doctors and teachers to make books, and book ownership, a reality for every child.

I ask unanimous consent that the bill and an endorsement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3148

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 ''Access to Books for Children Act'' or the ''ABC Act''.

SEC. 2. AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Part E of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131 et seq.) is amended to read as follows:

"PART E—ACCESS TO BOOKS FOR CHILDREN (ABC)

"SEC. 10500. PURPOSE.

''It is the purpose of this part to provide children with better access to books and other reading materials and resources from birth to adulthood, including opportunities to own books.

"Subpart 1—Inexpensive Book Distribution Program

"SEC. 10501. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

''(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as 'the contractor') to support and promote programs, which include the distribution of inexpensive books to students, that motivate children to read.

''(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

''(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations, or with public agencies, under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books, by gift, to the extent feasible, or loan, to children from birth through secondary school age, including those in family literacy programs;

''(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

''(3) provide that in selecting subcontractors for initial funding, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

''(A) low-income children, particularly in high-poverty areas;

''(B) children at risk of school failure;

''(C) children with disabilities;

''(D) foster children;

''(E) homeless children;

''(F) migrant children;

''(G) children without access to libraries;

''(H) institutionalized or incarcerated children; and

''(I) children whose parents are institutionalized or incarcerated;

''(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

''(5) provide that the contractor will annually report to the Secretary the number of, and describe, programs funded under paragraph (3); and

''(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

''(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

''(d) DEFINITION OF 'FEDERAL SHARE'.—For the purpose of this section, the term 'Federal share' means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the four succeeding fiscal years.

"Subpart 2—Local Partnerships for Books

"SEC. 10511. LOCAL PARTNERSHIPS FOR BOOKS.

''(a) AUTHORIZATION.—The Secretary is authorized to enter into a contract with a national organization (referred to in this section as the 'contractor') to support and promote programs that—

''(1) pay the Federal share of the cost of distributing at no cost new books to disadvantaged children and families primarily through tutoring, mentoring, and family literacy programs; and

''(2) promote the growth and strengthening of local partnerships with the goal of leveraging the Federal book distribution efforts and building upon the work of community programs to enhance reading motivation for at-risk children.

''(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

''(1) provide that the contractor will provide technical support and initial resources to local partnerships to support efforts to provide new books to those tutoring, mentoring, and family literacy programs reaching disadvantaged children;

''(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

''(3) provide that the contractor, working in cooperation with the local partnerships, will give priority to those tutoring, mentoring, and family literacy programs that serve children and families with special needs, predominantly those children from economically disadvantaged families and those children and families without access to libraries;

''(4) provide that the contractor will annually report to the Secretary regarding the number of books distributed, the number of local partnerships created and supported, the number of community tutoring, mentoring, and family literacy programs receiving books for children, and the number of children provided with books; and

''(5) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of the program.

''(c) RESTRICTION ON PAYMENTS.—The Secretary shall require the contractor to ensure that the discounts provided by publishers and distributors for the new books purchased under this section is at least as favorable as discounts that are customarily given by such publishers or distributors for book purchases made under similar circumstances in the absence of Federal assistance.

''(d) DEFINITION OF FEDERAL SHARE.—For the purpose of this section, the term 'Federal share' means, with respect to the cost of purchasing books under this section, 50 percent of the cost to the contractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the contractor.

''(e) MATCHING REQUIREMENT.—The contractor shall provide for programs under this section, either directly or through private contributions, in cash or in-kind, non-Federal matching funds equal to not less than 50 percent of the amount provided to the contractor under this section.

''(f) AUTHORIZATION OF APPROPRIATION.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for the fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"Subpart 3—Partnerships for Infants and Young Children

"SEC. 10521. PARTNERSHIPS FOR INFANTS AND YOUNG CHILDREN.

''(a) PROGRAMS AUTHORIZED.—The Secretary is authorized to enter into a contract with a national organization (referred to in this section as the 'contractor') to support and promote programs that—

''(1) include the distribution of free books to children 5 years of age and younger, including providing guidance from pediatric clinicians to parents and guardians with respect to reading aloud with their young children; and

''(2) help build the reading readiness skills the children need to learn to read once the children enter school.

''(b) REQUIREMENTS OF CONTRACT.—Any contract entered into under subsection (a) shall—

''(1) provide that the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies under which each subcontractor will agree to establish, operate, and provide the non-Federal share of the cost of reading motivation programs that include the distribution of books by gift, to the extent feasible, or loan to children from birth through 5 years of age, including those children in family literacy programs;

''(2) provide that funds made available to subcontractors will be used only to pay the Federal share of the cost of such programs;

''(3) provide that in selecting subcontractors for initial funding under this section, the contractor will give priority to programs that will serve a substantial number or percentage of children with special needs, such as—

''(A) low-income children, particularly low-income children in high-poverty areas;

''(B) children with disabilities;

''(C) foster children;

''(D) homeless children;

''(E) migrant children;

''(F) children without access to libraries;

''(G) children without adequate medical insurance; and

''(H) children enrolled in a State medicaid program under title XIX of the Social Security Act;

''(4) provide that the contractor will provide such technical assistance to subcontractors as may be necessary to carry out this section;

''(5) provide that the contractor will annually report to the Secretary on the effectiveness of the national program and the effectiveness of the local programs funded under this section, including a description of the national program and of each of the local programs; and

''(6) include such other terms and conditions as the Secretary determines to be appropriate to ensure the effectiveness of such programs.

''(c) RESTRICTION ON PAYMENTS.—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

''(d) DEFINITION OF FEDERAL SHARE.—In this section with respect to the cost to a subcontractor of purchasing books to be paid under this section, the term 'Federal share' means 50 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.

''(e) MATCHING REQUIREMENT.—The contractor shall provide for programs under this section, either directly or through private contributions, in cash or in-kind, non-Federal matching funds equal to not less than 50 percent of the amount provided to the contractor under this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''Subpart 4—Evaluation

''SEC. 10531. EVALUATION.

''(a) IN GENERAL.—The Secretary shall annually conduct an evaluation of—

''(1) programs carried out under this part to assess the effectiveness of such programs in meeting the purpose of this part and the goals of each subpart; and

''(2) the effectiveness of local literacy programs conducted under this part that link children with book ownership and mentoring in literacy.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated $500,000 for fiscal year 2001, and such sums as may be necessary in each of the 4 succeeding fiscal years.''.

REACH OUT AND READ
NATIONAL CENTER,
Boston, MA, June 23, 2000.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: I enthusiastically welcome the ''Access to Books for Children Act'' that you, along with Senators JEFFORDS and DODD, are introducing before the U.S. Senate in the coming days.

In my years as a pediatrician, I have witnessed the wide-ranging impact of poverty on thousands of families, particularly as it relates to the healthy development of children. One particularly troublesome manifestation of poverty is the barrier that it erects to having books in the home.

We know that early brain development requires environmental stimulation, and we also know that book sharing assures the language stimulation essential for neuronal complexity and maturation. None of this will happen without books nearby—books in the home.

Making sure that all children have the opportunity to grow up with books requires the participation of all professionals that care for young children. Through the more than 740 Reach Out and Read sites across the country, we are mobilizing the pediatric community to do our part in meeting this challenge. We are delighted by the prospect of support for our efforts through this legislation.

I thank you for the leadership you continue to show in supporting parents in their efforts to help their children grow up healthy. We look forward to helping in any way we can.

Sincerely,

BARRY ZUCKERMAN, MD,
Chairman.

Mr. KENNEDY. Mr. President, I am proud to be a co-sponsor of the Access to Books for Children Act, the ''ABC'' Act. I commend Senator JEFFORDS, Senator DODD, and Senator MURRAY for their leadership on this legislation.

Many successful programs are helping children learn to read well. But too often, the best programs are not available to all children. As a result, large numbers of children are denied the opportunity to learn to read well. 40 percent of 4th grade students do not reach the basic reading level, and 70 percent of 4th graders are not proficient in reading.

Children who fail to acquire basic reading skills early in life are at a disadvantage throughout their education and later careers. They are more likely to drop out of school, and to be unemployed. This important grant will help many more children learn to read well—and learn to read well early—so that they have a greater chance for successful lives and careers.

The programs authorized in the ABC Act complement the work already under way in Massachusetts and other states under the Reading Excellence Act and under the America Reads program. In 1996, President Clinton and the First Lady initiated a new effort to achieve greater national progress on child literacy by proposing their ''America Read Challenge.'' This worthwhile initiative encourages colleges and universities to use a portion of their Work-Study funds to support college students who serve as literacy tutors. Institutions of higher education across Massachusetts are already creating strong relationships with their surrounding communities, and participation in this initiative enhances those relationships. Today, over 1,400 colleges and universities are committed to the President's ''America Reads Work Study Program,'' and 74 of these institutions are in Massachusetts.

The Reading Excellence Act was enacted in 1999 to provide competitive reading and literacy grants to states. States that receive funding then award competitive subgrants to school districts to support local reading improvement programs. The lowest-achieving and poorest schools will benefit the most. The program will help children learn to read in their early childhood years and through the 3rd grade using effective classroom instruction, high-quality family literacy programs, and early literacy intervention for children who have reading difficulties. Massachusetts is one of 17 states to receive funding under this competitive program.

In addition to good instruction, children need to have reading materials outside of school—and even before they start school. They also need adults to read with them, so that they can develop a love of reading early in life.

The ABC Act authorizes three programs to provide children from birth through high school age with low-cost or no-cost books. The programs complement one another by reaching different communities through different means, so that every child can have a book to read.

The act reauthorizes $25 million for the successful Reading Is Fundamental Program, which distributes books to school-age children. This program has been especially effective in Massachusetts. It is helping over 45,000 children at 70 sites across the state obtain access to books. As a teacher from Methuen said, ''RIF continues to excite our students by providing them with books they can call their own, exposing them to a variety of literature, and offering these children worlds unknown.''

Founded in 1966, Reading Is Fundamental serves more than 3.5 million children annually at 17,000 sites in all 50 states, the District of Columbia, and U.S. territories. Over two-thirds of the children served have economic or learning needs that put them at risk of failing to achieve basic educational goals. By the end of 2000, it will have placed 200 million books in the hands and homes of America's children.

The act also authorizes $10 million for the Secretary of Education to award grants to organizations that provide low-cost or no-cost books for local tutoring, mentoring, and family literacy programs. Programs such as First Book have been very successful in encouraging reading. In 1998, First Book was able to distribute more than

2.4 million new books to children living below the poverty line throughout the United States. First book originally committed to distribute two million new books to children over 3 years and add 100 additional First Book communities. Through the extraordinary efforts of its Local Advisory Boards and national partners, First Book has met and far exceeded its book distribution pledge of 2 million books, and has met its expansion goals. We should continue to support programs like First Book that involve businesses and community resources in programs to help ensure that all children have access to books.

The ABC Act also authorizes $10 million for the Secretary of Education to award grants to the organizations that provide free books to children under age 5 in pediatric clinics. Programs like Reach Out and Read in Boston are shining examples of how to provide children with access to books and prereading skills through health checkups with their pediatricians.

For the past 10 years, through private funding, Reach Out and Read has been helping young children ages 0–5 get the early reading skills they need to become successful readers. Reach Out and Read currently serves 930,000 children in 556 local sites in 48 states. Evaluations of the program show that Reach Out and Read increases parents' understanding of reading and their attitude towards reading—especially to their children. Parents are ten times more likely to read to their children if they have received a book from a pediatrician. Children's brain activity is stimulated by reading, enhancing their intellectual and language development. In addition, the program is cost-effective—on average, the cost is only $5 per child.

Holyoke Reach Out and Read is run by Holyoke Pediatric Associates, a large medical practice serving 30,000 clients from Holyoke and surrounding communities in Massachusetts. Sixty percent of the clients are low-income or medicaid eligible families. The program distributed over 3,000 books to children in 1999.

It may seem unusual to talk about literacy in a hospital, but it makes perfect sense. To see that children learn to read, everyone needs to lend a hand. Physicians can be a major part of being of the effort. They can help children and parents understand that reading will enhance the well-being of every child, just as milk and vitamins do. A good book may turn out to be the most important thing a doctor prescribes for a child.

Reach Out and Read is making it possible for many more young children to have access to books and take the first steps toward learning to read and toward becoming good readers in their early years. It is bringing books and the love of reading to many new children every day.

Reading is the foundation of learning and the golden door to opportunity. But for too many children, it becomes a senseless obstacle to the future. Children need and deserve programs like Reading Is Fundamental, First Book, and Reach Out and Read. None of us should rest until every child across the nation has the opportunity to own a book, enjoy a book, and read a book. The nation's future depends on it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST BOOK,
Washington, DC, June 29, 2000.

Hon. PATTY MURRAY,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MURRAY: On behalf of First Book's Board of Directors, national volunteer network, and the children and families we serve, I congratulate you and the other co-sponsors of The Access to Books for Children Act. This legislation will change the lives of millions of low-income children by providing these children with personal libraries of their very own. Yours is a piece of legislation whose time has come.

As you know, First Book is a national nonprofit organization with a single mission: to provide an ongoing supply of free, new books to economically disadvantaged children and families participating in community-based tutoring, mentoring, and family literacy programs nationwide, as well as those children without access to libraries. Through our Local Advisory Board network, First Book effectively promotes the growth and strengthening of local partnerships with the goal of leveraging federal book distribution efforts and building upon the work of existing community programs designed to enhance reading motivation for at-risk children.

First Book Local Advisory Boards develop these local partnerships by identifying local resources and securing donations to meet the needs of community-based literacy programs serving low-income children by providing them with access to free books. I look forward to working with the Secretary to support and promote these local programs in order to consistently reach the children who need our help the most.

First Book is deeply grateful, Senator Murray, for your continual support of our mission as well as your commitment to the education of all children. Since we began our work together in 1997, First Book Local Advisory Boards in Washington state have distributed more than 250,000 new books to 48,000 children in 250 local programs. I am also proud to announce that there are currently 15 Local Advisory Boards leveraging the power of community-based partnerships in your home state. As you know, First Book is active nationally in hundreds of communities providing millions of new books to hundreds of thousands of disadvantaged children. Because of your efforts, the ABC Act will enable First Book to build upon this great success in Washington state and across the country.

I also salute the co-sponsors of the ABC Act. Senators James Jeffords, Edward Kennedy, and Chris Dodd have each strongly supported First Book at both the national and local levels in our constant efforts to reach additional children. Through their own volunteer efforts working with low-income children, Senators Jeffords, Kennedy, and Dodd have served as inspiring examples in Washington, D.C. and nationally. In the same way, you and your co-sponsors have provided essential leadership to promote the education of children across the country and have also directly supported First Book, most notably through the First Book National Book Bank initiative launched last June on the grounds of the Capital.

In closing, I would like to share a quote from a letter I received this morning from an Even Start teacher who incorporates First Book books into home visits in which she teaches low-income parents how to read with their children. ''It has been very rewarding to be able to give the books to the children at the home visits. Before First Book, we took a book to share with the family and then had to take the book away with us. Many times there were screams of protest from young children. [After First Book] we find that the families are thrilled with the books and look forward to receiving them.''

Simply put, it shouldn't take ''screams of protest'' from young children to remind us of what we need to do. Thankfully, you and the other co-sponsors are aware of the many challenges facing these young children and you have developed a thoughtful and effective plan to meet their needs and strengthen on-going efforts at the community level. The Access to Books for Children Act will provide millions of new books to low-income children lacking books of their own. I look forward to working with you to bring the magic of book ownership to these many children still waiting for our help.

Sincerely,

KYLE ZIMMER,
President.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 198

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 198, a bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 662

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. FITZGERALD) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 670

At the request of Mr. JEFFORDS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that

the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 786

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 786, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Nebraska (Mr. HAGEL) 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. 2390

At the request of Mr. HATCH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2390, a bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes.

S. 2505

At the request of Mr. JEFFORDS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2505, a bill to amend title XVIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine.

S. 2591

At the request of Mr. JEFFORDS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2591, a bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes.

S. 2601

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2718

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2725

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2725, supra.

S. 2841

At the request of Mr. ROBB, the name of the Senator from North Dakota (Mr. CONRAD) 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. 2953

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2953, a bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs.

S. 2954

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2954, a bill to establish the Dr. Nancy Foster Marine Biology Scholarship Program.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3012

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3012, 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.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SESSIONS) 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. 3088

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 3088, a bill to require the Secretary of Health and Human Services to promulgate regulations regarding allowable costs under the medicaid program for school based services provided to children with disabilities.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial

S. 3101

At the request of Mr. ASHCROFT, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 3101, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States.

S. 3105

At the request of Mr. BREAUX, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3105, a bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes.

S. 3115

At the request of Mr. SARBANES, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3115, a bill to extend the term of the Chesapeake and Ohio Canal National Historic Park Commission.

S. 3137

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

At the request of Mr. SESSIONS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 3137, supra.

S. CON. RES. 111

At the request of Mr. NICKLES, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. CON. RES. 140

At the request of Mr. LOTT, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. Con. Res. 140, a concurrent resolution expressing the sense of Congress regarding high-level visits by Taiwanese officials to the United States.

S. RES. 292

At the request of Mr. CLELAND, the names of the Senator from Nebraska (Mr. KERREY), the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 292, a resolution recognizing the 20th century as the ''Century of Women in the United States.''

S. RES. 359

At the request of Mr. SCHUMER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as ''National Teach For America Week.''

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

WARNER AMENDMENT NO. 4280

Mr. LOTT (for Mr. WARNER) proposed an amendment to the bill (S. 2507) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 27, strike line 3 and all that follows through page 37, line 3, and insert the following:

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. TWO-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

Section 431(a) of title 10, United States Code, is amended in the second sentence by striking ''December 31, 2000'' and inserting ''December 31, 2002''.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. PROHIBITION ON TRANSFER OF IMAGERY ANALYSTS FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO NATIONAL IMAGERY AND MAPPING AGENCY PROGRAM.

(a) PROHIBITION ON USE OF FUNDS FOR TRANSFER.—No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program for purposes of transferring imagery analysis personnel from the General Defense Intelligence Program to the National Imagery and Mapping Agency Program.

(b) ROLE OF DIRECTOR OF NIMA AS FUNCTIONAL MANAGER FOR IMAGERY AND GEOSPACIAL PROGRAMS.—(1) The Secretary of Defense shall, in consultation with the Director of Central Intelligence, review options for strengthening the role of the Director of the National Imagery and Mapping Agency as the functional manager for United States imagery and geospacial programs.

(2) Not later than March 15, 2001, the Secretary shall submit to the appropriate committees of Congress a report on the review required by subsection (b). The report shall include any recommendations regarding modifications in the role and duties of the Director of the National Imagery and Mapping Agency that the Secretary considers appropriate in light of the review.

(3) In this subsection, the term ''appropriate committees of Congress'' means the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 504. PROHIBITION ON TRANSFER OF COLLECTION MANAGEMENT PERSONNEL FROM GENERAL DEFENSE INTELLIGENCE PROGRAM TO COMMUNITY MANAGEMENT ACCOUNT.

No funds authorized to be appropriated by this Act may be transferred from the General Defense Intelligence Program to the Community Management Account for purposes of transferring intelligence collection management personnel.

SEC. 505. AUTHORIZED PERSONNEL CEILING FOR GENERAL DEFENSE INTELLIGENCE PROGRAM.

The authorized personnel ceiling for the General Defense Intelligence Program specified in the classified Schedule of Authorizations referred to in section 102 is hereby increased by 2,152 positions.

SEC. 506. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) STUDY OF OPTIONS.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) REPORT.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SPECTER AMENDMENT NO. 4281

Mr. LOTT (for Mr. SPECTER) proposed an amendment to the bill (S. 2507) supra; as follows:

At the end of the bill, add the following:

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the ''Counterintelligence Reform Act of 2000''.

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

''(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

''(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

''(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

''(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney

General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

''(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

''(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.''.

(b) PROBABLE CAUSE.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.''; and

(3) in subsection (d), as redesignated by paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)''.

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REQUIREMENTS REGARDING CERTAIN APPLICATIONS.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

''(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

''(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

''(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

''(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

''(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

''(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.''.

(b) PROBABLE CAUSE.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.''.

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) INCLUSION OF INFORMATION ON DISCLOSURE IN SEMIANNUAL OVERSIGHT REPORT.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following new paragraph:

''(2) Each report under the first sentence of paragraph (1) shall include a description of—

''(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

''(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.''.

(b) REPORT ON MECHANISMS FOR DETERMINATIONS OF DISCLOSURE OF INFORMATION FOR LAW ENFORCEMENT PURPOSES.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term ''appropriate committees of Congress'' means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) TREATMENT OF CERTAIN SUBJECTS OF INVESTIGATION.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking ''paragraph (3)'' and inserting ''paragraph (5)'';

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

''(B) The head of the department or agency concerned shall—

''(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

''(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

''(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes.''; and

(4) in paragraph (5), as so redesignated, by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (3)''.

(b) TIMELY PROVISION OF INFORMATION AND CONSULTATION ON ESPIONAGE INVESTIGATIONS.—Paragraph (2) of that subsection is further amended—

(1) by inserting ''in a timely manner'' after ''through appropriate channels''; and

(2) by inserting ''in a timely manner'' after ''are consulted''.

(c) INTERFERENCE WITH FULL FIELD ESPIONAGE INVESTIGATIONS.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

''(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

''(B)(i) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination with the Federal Bureau of Investigation.

''(ii) Any examination, interrogation, or other action taken under clause (i) shall be taken in consultation with the Federal Bureau of Investigation.''.

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) AUTHORIZATION FOR INCREASED RESOURCES TO FULFILL NATIONAL SECURITY MISSION OF THE DEPARTMENT OF JUSTICE.—There are authorized to be appropriated to

the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002; and

(3) $8,000,000 for fiscal year 2003.

(b) AVAILABILITY OF FUNDS.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review may be obligated or expended until the later of the dates on which the Attorney General submits the reports required by paragraphs (2) and (3).

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) a report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semi-annual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) REPORT ON COORDINATING NATIONAL SECURITY AND INTELLIGENCE FUNCTIONS WITHIN THE DEPARTMENT OF JUSTICE.—The Attorney General shall report to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

''COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

''SEC. 9A. (a) BRIEFINGS REQUIRED.—The Assistant Attorney General for the Criminal Division and the appropriate United States Attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

''(b) TIMING OF BRIEFINGS.—Briefings under subsection (a) with respect to a case shall occur—

''(1) as soon as practicable after the Department of Justice and the United States Attorney concerned determine that a prosecution or potential prosecution could result; and

''(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

''(c) SENIOR AGENCY OFFICIAL DEFINED.—In this section, the term 'senior agency official' has the meaning given that term in section 1.1 of Executive Order No. 12958.''.

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

FEINSTEIN AMENDMENT NO. 4282

Mr. BRYAN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 2507, supra; as follows:

On page 37, after line 3, add the following:

TITLE VI—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL ARMY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Japanese Imperial Army Disclosure Act''.

SEC. 602. ESTABLISHMENT OF JAPANESE IMPERIAL ARMY RECORDS INTERAGENCY WORKING GROUP.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given such term under section 551 of title 5, United States Code.

(2) INTERAGENCY GROUP.—The term ''Interagency Group'' means the Japanese Imperial Army Records Interagency Working Group established under subsection (b).

(3) JAPANESE IMPERIAL ARMY RECORDS.—The term ''Japanese Imperial Army records'' means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation and persecution of any person because of race, religion, national origin, or political option, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Army;

(B) any government in any area occupied by the military forces of the Japanese Imperial Army;

(C) any government established with the assistance or cooperation of the Japanese Imperial Army; or

(D) any government which was an ally of the Imperial Army of Japan.

(4) RECORD.—The term ''record'' means a Japanese Imperial Army record.

(b) ESTABLISHMENT OF INTERAGENCY GROUP.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall establish the Japanese Imperial Army Records Interagency Working Group, which shall remain in existence for 3 years after the date the Interagency Group is established.

(2) MEMBERSHIP.—The President shall appoint to the Interagency Group individuals whom the President determines will most completely and effectively carry out the functions of the Interagency Group within the time limitations provided in this section, including the Historian of the Department of State, the Archivist of the United States, the head of any other agency the President considers appropriate, and no more than 3 other persons. The head of an agency appointed by the President may designate an appropriate officer to serve on the Interagency Group in lieu of the head of such agency.

(3) INITIAL MEETING.—Not later than 90 days after the date of the enactment of this Act, the Interagency Group shall hold an initial meeting and begin the functions required under this section.

(c) FUNCTIONS.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 603—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Army records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) FUNDING.—There is authorized to be appropriated such sum as may be necessary to carry out the provisions of this title.

SEC. 603. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) RELEASE OF RECORDS.—Subject to subsections (b), (c), and (d), the Japanese Imperial Army Records Interagency Working Group shall release in their entirety Japanese Imperial Army records.

(b) EXCEPTION FOR PRIVACY.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute a clearly unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal actual United States military war plans that remain in effect;

(7) reveal information that would seriously and demonstrably impair relations between

the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;

(8) reveal information that would clearly, and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) APPLICATIONS OF EXEMPTIONS.—

(1) IN GENERAL.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Army. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and Oversight and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) APPLICATION OF TITLE 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) LIMITATION ON EXEMPTIONS.—

(1) IN GENERAL.—The exemptions set forth in subsection (b) shall constitute the only grounds pursuant to which an agency head may exempt records otherwise subject to release under subsection (a).

(2) RECORDS RELATED TO INVESTIGATION OR PROSECUTIONS.—This section shall not apply to records—

(A) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(B) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 604. EXPEDITED PROCESSING OF FOIA REQUESTS FOR JAPANESE IMPERIAL ARMY RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 602(a)(3) and who requests a Japanese Imperial Army record shall be deemed to have a compelling need for such record.

SEC. 605. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

MOYNIHAN AMENDMENT NO. 4283

Mr. BRYAN (for Mr. MOYNIHAN) proposed an amendment to the bill (S. 2507) supra; as follows:

On page 37, after line 3, add the following:

TITLE VI—DECLASSIFICATION OF INFORMATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Public Interest Declassification Act of 2000''.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 603. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) ESTABLISHMENT.—There is established within the executive branch of the United States a board to be known as the ''Public Interest Declassification Board'' (in this title referred to as the ''Board'').

(b) PURPOSES.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive Order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive Orders regarding the classification and declassification of national security information.

(c) MEMBERSHIP.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Majority Leader of the Senate;

(C) one shall be appointed by the Minority Leader of the Senate;

(D) one shall be appointed by the Speaker of the House of Representatives; and

(E) one shall be appointed by the Minority Leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board, three shall be appointed for a term of four years, three shall be appointed for a term of three years, and three shall be appointed for a term of two years.

(B) Any subsequent appointment to the Board shall be for a term of three years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be two years.

(C) A member serving as Chairperson of the Board may be re-designated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than six years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive Orders and agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 606(b),

and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) COMPENSATION.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES–1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) SUPPORT.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) PUBLIC AVAILABILITY OF RECORDS AND REPORTS.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 604. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive Order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next two fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments, and the elements of the intelligence community shall be provided on a consolidated basis.

(B) In this paragraph, the term ''elements of the intelligence community'' means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 603(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive Order.

SEC. 605. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) IN GENERAL.—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by an agency.

(b) SPECIAL ACCESS PROGRAMS.—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) AUTHORITIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(6)).

(d) EXEMPTIONS TO RELEASE OF INFORMATION.—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under section 552(b) of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), or section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act'').

(e) WITHHOLDING INFORMATION FROM CONGRESS.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 606. STANDARDS AND PROCEDURES.

(a) LIAISON.—(1) The head of each agency with the authority under an Executive Order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library, as the case may be, to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) LIMITATIONS ON ACCESS.—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library, as the case may be, shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) DISCRETION TO DISCLOSE.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(d) DISCRETION TO PROTECT.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records

or materials of the agency covered by such review, and still properly classified, outweigh's the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order 12958 or any successor order to such Executive Order.

(e) REPORTS.—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials by the head of an agency or the head of a Federal Presidential library of access of the Board to records or materials under this title.

(B) In this paragraph, the term ''appropriate congressional committees'' means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform and Oversight of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 607. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable at law against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 608. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, $650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) FUNDING REQUESTS.—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 609. DEFINITIONS.

In this title:

(1) AGENCY.—(A) Except as provided in subparagraph (B), the term ''agency'' means the following:

(i) An executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) CLASSIFIED MATERIAL OR RECORD.—The terms ''classified material'' and ''classified record'' include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive Order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) DECLASSIFICATION.—The term ''declassification'' means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) DONATED HISTORICAL MATERIAL.—The term ''donated historical material'' means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) FEDERAL PRESIDENTIAL LIBRARY.—The term ''Federal Presidential library'' means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of chapter 21 of title 44, United States Code.

(6) NATIONAL SECURITY.—The term ''national security'' means the national defense or foreign relations of the United States.

(7) RECORDS OR MATERIALS OF EXTRAORDINARY PUBLIC INTEREST.—The term ''records or materials of extraordinary public interest'' means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive Order.

(8) RECORDS OF ARCHIVAL VALUE.—The term ''records of archival value'' means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 610. SUNSET.

The provisions of this title shall expire four years after the date of the enactment of this Act, unless reauthorized by statute.

KERREY AMENDMENT NO. 4284

Mr. BRYAN (for Mr. KERREY) proposed an amendment to the bill, S. 2507, supra; as follows:

At the end of title III, add the following:

SEC. 3___. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) FINDINGS.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the ''Avenue'');

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the ''grand axis'' of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a ''solid phalanx of public and private office buildings which close down completely at night and on weekends,'' but that it be ''lively, friendly, and inviting, as well as dignified and impressive'';

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the ''Guiding Principles for Federal Architecture,'' that recommends a choice of designs that are ''efficient and economical'' and that provide ''visual testimony to the dignity, enterprise, vigor, and stability'' of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the ''development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.'';

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) DESIGNATION.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as ''Daniel Patrick Moynihan Place''.

(c) BOUNDARIES.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that, bisecting the atrium of the Ronald Reagan Building and International Trade Center, continues east to bisect the western hemicycle of the Ariel Rios Building.

(d) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

SHELBY AMENDMENT NO. 4285

Mr. LOTT (for Mr. SHELBY) proposed an amendment to the bill, S. 2507. supra; as follows:

On page 10, strike line 11 and all that follows through page 12, line 2, and insert the following:

''(a) PROHIBITION.—Whoever, being an officer or employee of the United States, a former or retired officer or employee of the United States, any other person with authorized access to classified information, or any other person formerly with authorized access to classified information, knowingly and willfully discloses, or attempts to disclose, any classified information acquired as a result of such person's authorized access to classified information to a person (other than an officer or employee of the United States) who is not authorized access to such classified information, knowing that the person is not authorized access to such classified information, shall be fined under this title, imprisoned not more than 3 years, or both.

''(b) CONSTRUCTION OF PROHIBITION.—Nothing in this section shall be construed to establish criminal liability for disclosure of classified information in accordance with applicable law to the following:

''(1) Any justice or judge of a court of the United States established pursuant to article III of the Constitution of the United States.

''(2) The Senate or House of Representatives, or any committee or subcommittee thereof, or joint committee thereof, or any member of Congress.

''(3) A person or persons acting on behalf of a foreign power (including an international organization) if the disclosure—

''(A) is made by an officer or employee of the United States who has been authorized to make the disclosure; and

''(B) is within the scope of such officer's or employee's duties.

''(4) Any other person authorized to receive the classified information.

''(c) DEFINITIONS.—In this section:

''(1) The term 'authorized', in the case of access to classified information, means having authority or permission to have access to the classified information pursuant to the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information, an order of any United States court, or a provision of any Resolution of the Senate or Rule of the House of Representatives which governs release of classified information by such House of Congress.

''(2) The term 'classified information' means information or material properly classified and clearly marked or represented, or that the person knows or has reason to believe has been properly classified by appropriate authorities, pursuant to the provisions of a statute or Executive Order, as requiring protection against unauthorized disclosure for reasons of national security.

On page 12, strike line 21 and all that follows through page 13, line 16, and insert the following:

''SEC. 115. (a) REQUIREMENT.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to unaccounted for United States personnel.

''(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

''(b) SCOPE OF RESPONSIBILITY.—The responsibilities of the analytic capability maintained under subsection (a) shall—

''(1) extend to any activities of the Federal Government with respect to unaccounted for United States personnel after December 31, 1999; and

''(2) include support for any department or agency of the Federal Government engaged in such activities.

''(c) UNACCOUNTED FOR UNITED STATES PERSONNEL DEFINED.—In this section, the term 'unaccounted for United States personnel' means the following:

''(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

''(2) Any United States national who was killed while engaged in activities on behalf of the United States Government and whose remains have not been repatriated to the United States.''.

On page 14, beginning on line 11, strike ''acting at their direction''.

On page 14, line 13, insert '', and at the direction of,'' after ''on behalf of''.

On page 14, line 16, strike ''AUTHORIZED ACTIVITIES.—An activity'' and insert ''AUTHORIZED INTELLIGENCE ACTIVITIES.—An intelligence activity''.

On page 14, line 18, insert ''intelligence'' before ''activity''.

On page 15, beginning on line 9, strike '', and all applicable Executive Orders,''.

On page 15, line 11, strike ''materials'' and insert ''material''.

On page 15, line 15, strike ''and Executive Orders''.

On page 15, line 18, strike ''or Executive Order''.

On page 15, line 22, strike ''or Executive Order''.

On page 15, strike line 25 and all that follows through page 16, line 16, and insert the following:

(d) EFFECTS OF CERTIFICATION OF NON-FULL COMPLIANCE.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State

On page 16, line 20, strike ''and Executive Orders''.

On page 16, strike lines 22 and 23 and insert the following:

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition

On page 17, beginning on line 1, strike ''and Executive Orders''.

On page 17, strike line 3 and insert the following:

(e) WAIVER BY DIRECTOR OF CENTRAL INTELLIGENCE.—(1) The Director of Central Intelligence may

On page 17, beginning on line 4, strike ''subsection (d)(2)'' and insert ''subsection (d)''.

On page 17, line 6, strike ''the President'' and insert ''the Director''.

On page 17, line 9, strike ''The President'' and insert ''The Director''.

On page 17, between lines 17 and 18, insert the following:

(C) The actions, if any, that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

On page 17, line 18, strike ''(C) The actions taken by the President'' and insert ''(D) The actions taken by the Director''.

On page 17, line 20, insert before the period the following: ''pending achievement of full compliance of such element with such directives''.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

BOND (AND KERRY) AMENDMENT NO. 4286

Mr. KYL (for Mr. BOND (for himself and Mr. KERRY)) proposed an amendment to the House amendment to the Senate amendment to the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Reauthorization Act of 2000''.

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

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of SBIR program.
Sec. 104. Annual report.
Sec. 105. Third phase assistance.
Sec. 106. Report on programs for annual performance plan.
Sec. 107. Output and outcome data.
Sec. 108. National Research Council reports.
Sec. 109. Federal agency expenditures for the SBIR program.
Sec. 110. Policy directive modifications.
Sec. 111. Federal and State technology partnership program.
Sec. 112. Mentoring networks.
Sec. 113. Simplified reporting requirements.
Sec. 114. Rural outreach program extension.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

Sec. 201. Short title.
Sec. 202. Levels of participation.
Sec. 203. Loan amounts.
Sec. 204. Interest on defaulted loans.
Sec. 205. Prepayment of loans.
Sec. 206. Guarantee fees.
Sec. 207. Lease terms.
Sec. 208. Microloan program.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.
Sec. 302. Women-owned businesses.
Sec. 303. Maximum debenture size.
Sec. 304. Fees.
Sec. 305. Premier certified lenders program.
Sec. 306. Sale of certain defaulted loans.
Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Investment in small business investment companies.
Sec. 404. Subsidy fees.
Sec. 405. Distributions.
Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.
Sec. 502. Reauthorization of small business programs.
Sec. 503. Additional reauthorizations.
Sec. 504. Cosponsorship.

TITLE VI—HUBZONE PROGRAM
Subtitle A—HUBZones in Native America
Sec. 601. Short title.
Sec. 602. HUBZone small business concern.
Sec. 603. Qualified HUBZone small business concern.
Sec. 604. Other definitions.
Subtitle B—Other HUBZone Provisions
Sec. 611. Definitions.
Sec. 612. Eligible contracts.
Sec. 613. HUBZone redesignated areas.
Sec. 614. Community development.
Sec. 615. Reference corrections.
TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION
Sec. 701. Short title.
Sec. 702. Duties of the Council.
Sec. 703. Membership of the Council.
Sec. 704. Repeal of procurement project; State and local economic networks.
Sec. 705. Studies and other research.
Sec. 706. Authorization of appropriations.
TITLE VIII—MISCELLANEOUS PROVISIONS
Sec. 801. Loan application processing.
Sec. 802. Application of ownership requirements.
Sec. 803. Subcontracting preference for veterans.
Sec. 804. Small business development center program funding.
Sec. 805. Surety bonds.
Sec. 806. Size standards.
Sec. 807. Native American small business development centers.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SECTION 101. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Small Business Innovation Research Program Reauthorization Act of 2000''.

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the ''SBIR program'') is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

''(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.''.

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking ''and the Committee on Small Business of the House of Representatives'' and inserting '', and to the Committee on Science and the Committee on Small Business of the House of Representatives,''.

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and''.

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following:

''(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).''.

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end '', including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)''.

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

''(k) DATABASE.—

''(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

''(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

''(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

''(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

''(ii) the Federal agency making the award; and

''(iii) the date and amount of the award;

''(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

''(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

''(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

''(A) contains for each second phase award made by a Federal agency—

''(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

''(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

''(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

''(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

''(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

''(i) the name, size, and location, and an identifying number assigned by the Administration;

''(ii) an abstract of the project; and

''(iii) the Federal agency to which the application was made;

''(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

''(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

''(3) UPDATING INFORMATION FOR DATABASE.—

''(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

''(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

''(i) update information in the database concerning that award at the termination of the award period; and

''(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

''(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

''(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.''.

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later

than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking ''(i) Each Federal'' and inserting the following:

''(i) ANNUAL REPORTING.—

''(1) IN GENERAL.—Each Federal''; and

(2) by adding at the end the following:

''(2) CALCULATION OF EXTRAMURAL BUDGET.—

''(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

''(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).''.

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

''(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

''(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

''(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

''(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

''(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

''(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

''(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).''.

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 37; and

(2) by inserting after section 33 the following:

''SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

''(a) DEFINITIONS.—In this section and section 35, the following definitions apply:

''(1) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

''(2) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

''(3) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this section.

''(4) MENTOR.—The term 'mentor' means an individual described in section 35(c)(2).

''(5) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

''(6) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

''(7) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

''(8) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(9) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).

''(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(c) GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

''(A) technology research and development by small business concerns;

''(B) technology transfer from university research to technology-based small business concerns;

''(C) technology deployment and diffusion benefiting small business concerns;

''(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(i) State and local development agencies and entities;

''(ii) representatives of technology-based small business concerns;

''(iii) industries and emerging companies;

''(iv) universities; and

''(v) small business development centers; and

''(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

''(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

''(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

''(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

''(iv) to encourage the commercialization of technology developed through SBIR program funding.

''(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

''(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

''(B) shall consider, at a minimum—

''(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

''(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

''(iii) whether the projected costs of the proposed activities are reasonable;

''(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

''(v) the manner in which the applicant will measure the results of the activities to be conducted.

''(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

''(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

''(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

''(1) Federal agencies required by section 9 to have an SBIR program; and

''(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(A) State and local development agencies and entities;

''(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(C) State science and technology councils; and

''(D) representatives of technology-based small business concerns.

''(e) ADMINISTRATIVE REQUIREMENTS.—

''(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

''(2) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

''(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

''(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

''(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

''(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

''(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

''(f) REPORTS.—

''(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

''(A) a description of the structure and procedures of the program;

''(B) a management plan for the program; and

''(C) a description of the merit-based review process to be used in the program.

''(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

''(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(g) REVIEWS BY INSPECTOR GENERAL.—

''(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

''(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

''(B) the overall management and effectiveness of the FAST program.

''(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

''(h) PROGRAM LEVELS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

''(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

''(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.''.

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small

Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

''(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

''(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

''(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

''(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

''(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

''(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

''(F) the Institutional Development Award Program of the National Institutes of Health; and

''(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

''(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

''(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

''(i) a State that is eligible to participate in that program; or

''(ii) a State described in paragraph (3); or

''(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

''(i) a State that is eligible to participate in a technology development program; or

''(ii) a State described in paragraph (3).

''(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.''.

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following:

''SEC. 35. MENTORING NETWORKS.

''(a) FINDINGS.—Congress finds that—

''(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

''(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

''(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

''(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

''(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

''(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

''(2) identify volunteer mentors who—

''(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

''(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

''(i) proposal writing;

''(ii) marketing;

''(iii) Government accounting;

''(iv) Government audits;

''(v) project facilities and equipment;

''(vi) human resources;

''(vii) third phase partners;

''(viii) commercialization;

''(ix) venture capital networking; and

''(x) other matters relevant to the SBIR and STTR programs;

''(3) have experience working with small business concerns participating in the SBIR and STTR programs;

''(4) contribute information to the national database referred to in subsection (d); and

''(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

''(d) MENTORING DATABASE.—The Administrator shall—

''(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

''(2) work cooperatively with Mentoring Networks to maintain and update the database;

''(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

''(4) fulfill the requirements of this subsection either directly or by contract.''.

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following:

''(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.''.

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking ''2001'' and inserting ''2005''.

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking ''for fiscal year 1998, 1999, 2000, or 2001'' and inserting ''for each of the fiscal years 2000 through 2005,''.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Small Business General Business Loan Improvement Act of 2000''.

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking ''$100,000'' and inserting ''$150,000''; and

(2) in paragraph (ii)—

(A) by striking ''80 percent'' and inserting ''85 percent''; and

(B) by striking ''$100,000'' and inserting ''$150,000''.

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking ''$750,000,'' and inserting, ''$1,000,000 (or if the gross loan amount would exceed $2,000,000),''.

SEC. 204. INTEREST ON DEFAULTED LOANS.

Section 7(a)(4)(B) of the Small Business Act (15 U.S.C. 636(a)(4)(B)) is amended by adding at the end the following:

''(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.''.

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking ''(4) INTEREST RATES AND FEES.—'' and inserting ''(4) INTEREST RATES AND PREPAYMENT CHARGES.—''; and

(2) by adding at the end the following:

''(C) PREPAYMENT CHARGES.—

''(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

''(I) the loan is for a term of not less than 15 years;

''(II) the prepayment is voluntary;

''(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

''(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

''(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

''(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

''(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

''(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.''.

SEC. 206. GUARANTEE FEES.

Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

''(18) GUARANTEE FEES.—

''(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower, as follows:

''(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than $150,000.

''(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than $150,000, but less than $700,000.

''(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.

''(B) RETENTION OF CERTAIN FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of a fee collected under subparagraph (A)(i).''.

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

''(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.''.

SEC. 208. MICROLOAN PROGRAM.

(a) IN GENERAL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraphs (1)(B)(iii) and (3)(E), by striking ''$25,000'' each place it appears and inserting ''$35,000'';

(2) in paragraphs (1)(A)(iii)(I), (3)(A)(ii), and (4)(C)(i)(II), by striking ''$7,500'' each place it appears and inserting ''$10,000'';

(3) in paragraph (1)(B)(i), by striking ''short-term,'';

(4) in paragraph (2)(B), by inserting before the period '', or equivalent experience, as determined by the Administration'';

(5) in paragraph (3)(E), by striking ''$15,000'' and inserting ''$20,000'';

(6) in paragraph (4)(E)—

(A) by striking clause (i) and inserting the following:

''(i) IN GENERAL.—Each intermediary may expend the grant funds received under the program authorized by this subsection to provide or arrange for loan technical assistance to small business concerns that are borrowers or prospective borrowers under this subsection.''; and

(B) in clause (ii), by striking ''25'' and inserting ''35'';

(7) in paragraph (5)(A)—

(A) by striking ''25 grants'' and inserting ''55 grants''; and

(B) by striking ''$125,000'' and inserting ''$200,000'';

(8) in paragraph (6)(B), by striking ''$10,000'' and inserting ''$15,000'';

(9) in paragraph (7), by striking subparagraph (A) and inserting the following:

''(A) NUMBER OF PARTICIPANTS.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than—

''(i) 250 intermediaries in fiscal year 2001;

''(ii) 300 intermediaries in fiscal year 2002; and

''(iii) 350 intermediaries in fiscal year 2003.''; and

(10) in paragraph (9), by adding at the end the following:

''(D) PEER-TO-PEER CAPACITY BUILDING AND TRAINING.—The Administrator may use not more than $1,000,000 of the annual appropriation to the Administration for technical assistance grants to subcontract with 1 or more national trade associations of eligible intermediaries under this subsection to provide peer-to-peer capacity building and training to lenders under this subsection and organizations seeking to become lenders under this subsection.''.

(b) CONFORMING AMENDMENTS.—Section 7(n)(11)(B) of the Small Business Act (15 U.S.C. 636(n)(11)(B)) is amended—

(1) by striking ''$25,000'' and inserting ''$35,000''; and

(2) by striking ''short-term,''.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Certified Development Company Program Improvements Act of 2000''.

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma ''or women-owned business development''.

SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

''(2) Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.''.

SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

''(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.''.

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403, 15 U.S.C. 697 note) (relating to section 508 of the Small Business Investment Act of 1958) is repealed.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking ''On a pilot program basis, the'' and inserting ''The'';

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(4) in subsection (h) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)''; and

(5) by inserting after subsection (c) the following:

''(d) SALE OF CERTAIN DEFAULTED LOANS.—

''(1) NOTICE.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

''(2) LIMITATIONS.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

''(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

''(B) provides the notice required by paragraph (1).''.

SEC. 307. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

''SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

''(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

''(b) ELIGIBILITY FOR DELEGATION.—

''(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

''(A) the company—

''(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

''(ii) is participating in the Premier Certified Lenders Program under section 508; or

''(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

''(B) the company—

''(i) has one or more employees—

''(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

''(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

''(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) CONFIRMATION.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

''(c) SCOPE OF DELEGATED AUTHORITY.—

''(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

''(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

''(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

''(i) defend or bring any claim if—

''(I) the outcome of the litigation may adversely affect the Administration's management of the loan program established under section 502; or

''(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

''(ii) oversee the conduct of any such litigation; and

''(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

''(2) ADMINISTRATION APPROVAL.—

''(A) LIQUIDATION PLAN.—

''(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

''(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

''(B) PURCHASE OF INDEBTEDNESS.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

''(ii) ADMINISTRATION ACTION ON REQUEST.—

''(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

''(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

''(C) WORKOUT PLAN.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

''(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

''(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

''(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

''(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraphs (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

''(i) shall be in writing;

''(ii) shall state the specific reason for the Administration's inability to act on a plan or request;

''(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

''(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

''(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

''(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

''(1) does not meet the requirements of subsection (b)(1);

''(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

''(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

''(e) REPORT.—

''(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

''(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

''(i) the total cost of the project financed with the loan;

''(ii) the total original dollar amount guaranteed by the Administration;

''(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

''(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

''(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

''(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(D) A comparison between—

''(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

''(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

''(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays that resulted.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Beginning on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the ''Small Business Investment Corrections Act of 2000''.

SEC. 402. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting before the semicolon at the end the following: ''regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment''.

(b) LONG TERM.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking ''and'' at the end;

(2) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.''.

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking ''(b) Notwithstanding'' and inserting the following:

''(b) FINANCIAL INSTITUTION INVESTMENTS.—

''(1) CERTAIN BANKS.—Notwithstanding''; and

(2) by adding at the end the following:

''(2) CERTAIN SAVINGS ASSOCIATIONS.—Notwithstanding any other provision of law, any Federal savings association may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.''.

SEC. 404. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking ''plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration'' and inserting ''plus, for debentures issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration''.

(b) PARTICIPATING SECURITIES.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking ''plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration'' and inserting ''plus, for participating securities issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration''.

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking ''subchapter s corporation'' and inserting ''subchapter S corporation'';

(2) by striking ''the end of any calendar quarter based on a quarterly'' and inserting ''any time during any calendar quarter based on an''; and

(3) by striking ''quarterly distributions for a calendar year,'' and inserting ''interim distributions for a calendar year,''.

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking ''five years'' and inserting ''1 year''.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Small Business Programs Reauthorization Act of 2000''.

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(g) FISCAL YEAR 2001.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2001:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $45,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $60,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $14,500,000,000 in general business loans as provided in section 7(a);

''(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $2,500,000,000 in purchases of participating securities; and

''(ii) $1,500,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

''(h) FISCAL YEAR 2002.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $60,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $80,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $15,000,000,000 in general business loans as provided in section 7(a);

''(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $3,500,000,000 in purchases of participating securities; and

''(ii) $2,500,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

''(i) FISCAL YEAR 2003.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $100,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $16,000,000,000 in general business loans as provided in section 7(a);

''(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $4,000,000,000 in purchases of participating securities; and

''(ii) $3,000,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry

out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.''.

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking ''**DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM**'' and inserting ''**PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM**''; and

(2) in subsection (g)(1), by striking ''$10,000,000 for fiscal years 1999 and 2000'' and inserting ''$5,000,000 for each of fiscal years 2001 through 2003''.

(b) HUBZONE PROGRAM.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.''.

(c) WOMEN'S BUSINESS ENTERPRISE DEVELOPMENT PROGRAMS.—Section 411 of the Women's Business Ownership Act (Public Law 105–135; 15 U.S.C. 631 note) is amended by striking ''$600,000, for each of fiscal years 1998 through 2000,'' and inserting ''$1,000,000 for each of fiscal years 2001 through 2003,''.

(d) VERY SMALL BUSINESS CONCERNS PROGRAM.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

(e) SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

(f) SBDC SERVICES.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking ''2000'' and inserting ''2003''.

SEC. 504. COSPONSORSHIP.

(a) IN GENERAL.—Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended to read as follows:

''(1)(A) to provide—

''(i) technical, managerial, and informational aids to small business concerns—

''(I) by advising and counseling on matters in connection with Government procurement and policies, principles, and practices of good management;

''(II) by cooperating and advising with—

''(aa) voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions (except that the Administration shall take such actions as it determines necessary to ensure that such cooperation does not constitute or imply an endorsement by the Administration of the organization or its products or services, and shall ensure that it receives appropriate recognition in all printed materials); and

''(bb) other Federal and State agencies;

''(III) by maintaining a clearinghouse for information on managing, financing, and operating small business enterprises; and

''(IV) by disseminating such information, including through recognition events, and by other activities that the Administration determines to be appropriate; and

''(ii) through cooperation with a profit-making concern (referred to in this paragraph as a 'cosponsor'), training, information, and education to small business concerns, except that the Administration shall—

''(I) take such actions as it determines to be appropriate to ensure that—

''(aa) the Administration receives appropriate recognition and publicity;

''(bb) the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor;

''(cc) unnecessary promotion of the products or services of the cosponsor is avoided; and

''(dd) utilization of any 1 cosponsor in a marketing area is minimized; and

''(II) develop an agreement, executed on behalf of the Administration by an employee of the Administration in Washington, the District of Columbia, that provides, at a minimum, that—

''(aa) any printed material to announce the cosponsorship or to be distributed at the cosponsored activity, shall be approved in advance by the Administration;

''(bb) the terms and conditions of the cooperation shall be specified;

''(cc) only minimal charges may be imposed on any small business concern to cover the direct costs of providing the assistance;

''(dd) the Administration may provide to the cosponsorship mailing labels, but not lists of names and addresses of small business concerns compiled by the Administration;

''(ee) all printed materials containing the names of both the Administration and the cosponsor shall include a prominent disclaimer that the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor; and

''(ff) the Administration shall ensure that it receives appropriate recognition in all cosponsorship printed materials.''.

(b) EXTENSION OF COSPONSORSHIP AUTHORITY.—Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

SEC. 601. SHORT TITLE.

This subtitle may be cited as the ''HUBZones in Native America Act of 2000''.

SEC. 602. HUBZONE SMALL BUSINESS CONCERN.

Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended to read as follows:

''(3) HUBZONE SMALL BUSINESS CONCERN.—The term 'HUBZone small business concern' means—

''(A) a small business concern that is owned and controlled by 1 or more persons, each of whom is a United States citizen;

''(B) a small business concern that is—

''(i) an Alaska Native Corporation owned and controlled by Natives (as determined pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1))); or

''(ii) a direct or indirect subsidiary corporation, joint venture, or partnership of an Alaska Native Corporation qualifying pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1)), if that subsidiary, joint venture, or partnership is owned and controlled by Natives (as determined pursuant to section 29(e)(2)) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(2))); or

''(C) a small business concern—

''(i) that is wholly owned by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments; or

''(ii) that is owned in part by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, if all other owners are either United States citizens or small business concerns.''.

SEC. 603. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.

(a) IN GENERAL.—Section 3(p)(5)(A)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)) is amended by striking subclauses (I) and (II) and inserting the following:

''(I) it is a HUBZone small business concern—

''(aa) pursuant to subparagraph (A) or (B) of paragraph (3), and that its principal office is located in a HUBZone and not fewer than 35 percent of its employees reside in a HUBZone; or

''(bb) pursuant to paragraph (3)(C), and not fewer than 35 percent of its employees engaged in performing a contract awarded to the small business concern on the basis of a preference provided under section 31(b) reside within any Indian reservation governed by 1 or more of the tribal government owners, or reside within any HUBZone adjoining any such Indian reservation;

''(II) the small business concern will attempt to maintain the applicable employment percentage under subclause (I) during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and''.

(b) HUBZONE PILOT PROGRAM FOR SPARSELY POPULATED AREAS.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended by adding at the end the following:

''(E) HUBZONE PILOT PROGRAM FOR SPARSELY POPULATED AREAS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i)(I)(aa), during the period beginning on the date of enactment of the Small Business Reauthorization Act of 2000 and ending on September 30, 2003, a small business concern, the principal office of which is located in the State of Alaska, an Alaska Native Corporation under paragraph (3)(B)(i), or a direct or indirect subsidiary, joint venture, or partnership under paragraph (3)(B)(ii) shall be considered to be a qualified HUBZone small business concern if—

''(I) its principal office is located within a HUBZone within the State of Alaska;

''(II) not fewer than 35 percent of its employees who will be engaged in performing a contract awarded to it on the basis of a preference provided under section 31(b) will perform their work in any HUBZone located within the State of Alaska; or

''(III) not fewer than 35 percent of its employees reside in a HUBZone located within the State of Alaska or in any Alaska Native Village within the State of Alaska.

''(ii) EXCEPTION.—

''(I) IN GENERAL.—Clause (i) shall not apply in any fiscal year following a fiscal year in which the total amount of contract dollars awarded in furtherance of the contracting

goals established under section 15(g)(1) to small business concerns located within the State of Alaska is equal to more than 2 percent of the total amount of such contract dollars awarded to all small business concerns nationally, based on data from the Federal Procurement Data System.

''(II) LIMITATION.—Subclause (I) shall not be construed to disqualify a HUBZone small business concern from performing a contract awarded to it on the basis of a preference provided under section 31(b), if such concern was qualified under clause (i) at the time at which the contract was awarded.''.

(c) CLARIFYING AMENDMENT.—Section 3(p)(5)(D)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(D)(i)) is amended by inserting ''once the Administrator has made the certification required by subparagraph (A)(i) regarding a qualified HUBZone small business concern and has determined that subparagraph (A)(ii) does not apply to that concern,'' before ''include''.

SEC. 604. OTHER DEFINITIONS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended by adding at the end the following:

''(6) NATIVE AMERICAN SMALL BUSINESS CONCERNS.—

''(A) ALASKA NATIVE CORPORATION.—The term 'Alaska Native Corporation' has the same meaning as the term 'Native Corporation' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(B) ALASKA NATIVE VILLAGE.—The term 'Alaska Native Village' has the same meaning as the term 'Native village' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(C) INDIAN RESERVATION.—The term 'Indian reservation'—

''(i) has the same meaning as the term 'Indian country' in section 1151 of title 18, United States Code, except that such term does not include—

''(I) any lands that are located within a State in which a tribe did not exercise governmental jurisdiction on the date of enactment of this paragraph, unless that tribe is recognized after that date of enactment by either an Act of Congress or pursuant to regulations of the Secretary of the Interior for the administrative recognition that an Indian group exists as an Indian tribe (part 83 of title 25, Code of Federal Regulations); and

''(II) lands taken into trust or acquired by an Indian tribe after the date of enactment of this paragraph if such lands are not located within the external boundaries of an Indian reservation or former reservation or are not contiguous to the lands held in trust or restricted status on that date of enactment; and

''(ii) in the State of Oklahoma, means lands that—

''(I) are within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

''(II) are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).''.

Subtitle B—Other HUBZone Provisions

SEC. 611. DEFINITIONS.

(a) QUALIFIED CENSUS TRACT.—Section 3(p)(4)(A) of the Small Business Act (15 U.S.C. 632(p)(4)(A)) is amended by striking ''(I)''.

(b) QUALIFIED NONMETROPOLITAN COUNTY.—Section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) is amended by striking subparagraph (B) and inserting the following:

''(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means any county—

''(i) that was not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986) at the time of the most recent census taken for purposes of selecting qualified census tracts under section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986; and

''(ii) in which—

''(I) the median household income is less than 80 percent of the nonmetropolitan State median household income, based on the most recent data available from the Bureau of the Census of the Department of Commerce; or

''(II) the unemployment rate is not less than 140 percent of the Statewide average unemployment rate for the State in which the county is located, based on the most recent data available from the Secretary of Labor.''.

SEC. 612. ELIGIBLE CONTRACTS.

(a) COMMODITIES CONTRACTS.—Section 31(b) of the Small Business Act (15 U.S.C. 657a(b)) is amended—

(1) in paragraph (3)—

(A) by striking ''In any'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraph (B), in any''; and

(B) by adding at the end the following:

''(B) PROCUREMENT OF COMMODITIES.—For purchases by the Secretary of Agriculture of agricultural commodities, the price evaluation preference shall be—

''(i) 10 percent, for the portion of a contract to be awarded that is not greater than 25 percent of the total volume being procured for each commodity in a single invitation;

''(ii) 5 percent, for the portion of a contract to be awarded that is greater than 25 percent, but not greater than 40 percent, of the total volume being procured for each commodity in a single invitation; and

''(iii) zero, for the portion of a contract to be awarded that is greater than 40 percent of the total volume being procured for each commodity in a single invitation.''; and

(2) in paragraph (4), by striking ''paragraph (2) or (3)'' and inserting ''this subsection''.

(b) DEFINITIONS.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (5)(A)(i)(III)—

(A) in item (aa), by striking ''and'' at the end; and

(B) by adding at the end the following:

''(cc) in the case of a contract for the procurement by the Secretary of Agriculture of agricultural commodities, none of the commodity being procured will be obtained by the prime contractor through a subcontract for the purchase of the commodity in substantially the final form in which it is to be supplied to the Government; and''; and

(2) by adding at the end the following:

''(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the same meaning as in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).''.

SEC. 613. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) redesignated areas.''; and

(2) in paragraph (4), by adding at the end the following:

''(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.''.

SEC. 614. COMMUNITY DEVELOPMENT.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(D) a small business concern that is—

''(i) wholly owned by a community development corporation that has received financial assistance under Part 1 of Subchapter A of the Community Economic Development Act of 1981 (42 U.S.C. 9805 et seq.); or

''(ii) owned in part by 1 or more community development corporations, if all other owners are either United States citizens or small business concerns.''; and

(2) in paragraph (5)(A)(i)(I)(aa), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (D)''.

SEC. 615. REFERENCE CORRECTIONS.

(a) SECTION 3.—Section 3(p)(5)(C) of the Small Business Act (15 U.S.C. 632(p)(5)(C)) is amended by striking ''subclause (IV) and (V) of subparagraph (A)(i)'' and inserting ''items (aa) and (bb) of subparagraph (A)(i)(III)''.

(b) SECTION 8.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended by inserting ''qualified HUBZone small business concerns,'' after ''small business concerns,''.

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''National Women's Business Council Reauthorization Act of 2000''.

SEC. 702. DUTIES OF THE COUNCIL.

Section 406 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

''SEC. 406. DUTIES OF THE COUNCIL.

''(a) IN GENERAL.—The Council shall—

''(1) provide advice and counsel to the President and to the Congress on economic matters of importance to women business owners;

''(2) promote initiatives designed to increase access to capital and to markets, training and technical assistance, research, resources, and leadership opportunities for and about women business owners;

''(3) provide a source of information and a catalyst for action to support women's business development;

''(4) promote the implementation of the policy agenda, initiatives and recommendations issued at Summit '98, the National Women's Economic Forum;

''(5) review, coordinate, and monitor plans and programs developed in the public and private sectors that affect the ability of women-owned small business concerns to obtain capital and credit;

''(6) work with—

''(A) the Federal agencies for the purpose of assisting them in meeting the 5 percent women's procurement goal established under section 15(g) of the Small Business Act; and

''(B) the private sector in increasing contracting opportunities for women-owned small business concerns;

''(7) promote and assist in the development of a women's business census and other statistical surveys of women-owned small business concerns;

''(8) support new and ongoing research on women-owned small business concerns;

''(9) monitor and promote the plans, programs, and operations of the departments and agencies of the Federal Government that may contribute to the establishment and growth of women's business enterprise;

''(10) develop and promote new initiatives, policies, programs, and plans designed to foster women's business enterprise; and

''(11) advise and consult with State and local leaders to develop and implement programs and policies that promote women's business ownership.

''(b) INTERACTION WITH THE INTERAGENCY COMMITTEE ON WOMEN'S BUSINESS ENTERPRISE.—The Council shall—

''(1) advise the Interagency Committee on Women's Business Enterprise (in this section referred to as the 'Committee') on matters relating to the activities, functions, and policies of the Committee, as provided in this title; and

''(2) meet jointly with the Committee at the discretion of the chairperson of the Council and the chairperson of the Committee, but not less frequently than biannually.

''(c) MEETINGS.—The Council shall meet separately at such times as the Council deems necessary. A majority of the members of the Council shall constitute a quorum for the approval of recommendations or reports issued pursuant to this section.

''(d) RECOMMENDATIONS AND REPORTS .—

''(1) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, the Council shall—

''(A) make recommendations for consideration by the Committee; and

''(B) submit a report to the President, the Committee, the Administrator, the Committee on Small Business of the Senate, and the Committee on Small Business of the House of Representatives, as described in paragraph (2).

''(2) CONTENTS OF REPORTS.—The reports required by paragraph (1) shall contain—

''(A) a detailed description of the activities of the Council during the preceding fiscal year, including a status report on the progress of the Council toward meeting its duties under subsections (a);

''(B) the findings, conclusions, and recommendations of the Council; and

''(C) the recommendations of the Council for such legislation and administrative actions as the Council considers to be appropriate to promote the development of small business concerns owned and controlled by women.

''(e) SEPARATE SUBMISSIONS.—The Administrator shall submit any additional, concurring, or dissenting views or recommendations to the President, the Committee, and the Congress separately from any recommendations or report submitted by the Council under this section.''.

SEC. 703. MEMBERSHIP OF THE COUNCIL.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking ''Not later'' and all that follows through ''the President'' and inserting ''The President'';

(2) in subsection (b)—

(A) by striking ''Not later'' and all that follows through ''the Administrator'' and inserting ''The Administrator''; and

(B) by striking ''the Assistant Administrator of the Office of Women's Business Ownership and'';

(3) in subsection (d), by striking '', except that'' and all that follows through the end of the subsection and inserting a period; and

(4) in subsection (h), by striking ''Not later'' and all that follows through ''the Administrator'' and inserting ''The Administrator''.

SEC. 704. REPEAL OF PROCUREMENT PROJECT; STATE AND LOCAL ECONOMIC NETWORKS.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

''SEC. 409. STATE AND LOCAL ECONOMIC NETWORKS.

''The Council shall work with State and local officials and business leaders to develop the infrastructure for women's business enterprise for the purpose of increasing women's effectiveness in shaping the economic agendas of their States and communities.''.

SEC. 705. STUDIES AND OTHER RESEARCH.

Section 410 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

''SEC. 410. STUDIES, OTHER RESEARCH, AND ISSUE INITIATIVES.

''(a) IN GENERAL.—

''(1) AUTHORITY.—The Council may, as it determines to be appropriate, conduct such studies, research, and issue initiatives relating to—

''(A) the award of Federal, State, local, and private sector prime contracts and subcontracts to women-owned businesses; and

''(B) access to credit and investment capital by women entrepreneurs and business development assistance programs, including the identification of best practices.

''(2) PURPOSES.—Studies, research, and issue initiatives may be conducted under paragraph (1) for purposes including—

''(A) identification of several focused outreach initiatives in nontraditional industry sectors for the purpose of increasing contract awards to women in those areas;

''(B) supporting the growth and proliferation of programs designed to prepare women to successfully access the equity capital markets;

''(C) continuing to identify and report on financial best practices that have worked to increase credit and capital availability to women business owners; and

''(D) working with Women's Business Centers to develop programs and coordinate activities.

''(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.''.

SEC. 706. AUTHORIZATION OF APPROPRIATIONS.

Section 411 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

''SEC. 411. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $1,000,000, for each of fiscal years 2001 through 2003, of which $550,000 shall be available in each such fiscal year to carry out sections 409 and 410.

''(b) BUDGET REVIEW.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.''.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(29) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.''.

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(6) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.''.

SEC. 803. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting ''small business concerns owned and controlled by veterans,'' after ''small business concerns,'' the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns owned and controlled by veterans,'' in each of the first and second sentences; and

(B) in subparagraph (F), by inserting ''small business concern owned and controlled by service-disabled veterans,'' after ''small business concern owned and controlled by veterans,''; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns owned and controlled by veterans,''.

SEC. 804. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking ''For fiscal year 1985'' and all that follows through ''expended.'' and inserting the following: ''For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

''(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

''(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

''(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

''(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

''(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).''.

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is amended by moving the margins of paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

''(C) FUNDING FORMULA.—

''(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

''(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

''(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

''(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

''(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

''(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

''(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

''(I) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

''(II) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage amount by which the amount made available is less than $81,500,000.

''(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the sum of $500,000 plus a percentage of $500,000 equal to the percentage amount by which the amount made available exceeds $90,000,000.

''(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

''(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever first occurs.

''(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

''(v) USE OF AMOUNTS.—

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

''(aa) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

''(bb) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

''(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) of this subparagraph to less than $85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

''(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (a)(6) or (c)(3)(G), or for supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

''(viii) STATE DEFINED.—In this subparagraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.''.

SEC. 805. SURETY BONDS.

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking ''$1,250,000'' and inserting ''$2,000,000''; and

(2) in subsection (e)(2), by striking ''$1,250,000'' and inserting ''$2,000,000''.

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking ''2000'' and inserting ''2003''.

SEC. 806. SIZE STANDARDS.

(a) INDUSTRY CLASSIFICATIONS.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended in the eighth sentence, by striking ''four-digit standard'' and all that follows through ''published'' and inserting ''definition of a 'United States industry' under the North American Industry Classification System, as established''.

(b) ANNUAL RECEIPTS.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking ''$500,000'' and inserting ''$750,000''.

(c) CERTAIN PACKING HOUSES.—

(1) IN GENERAL.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by inserting before the period the following: ''and, in the case of an enterprise that is a fresh fruit and vegetable packing house, has not more than 200 employees''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to any application to the Small Business Administration for emergency or disaster loan assistance that was pending on or after April 1, 1999.

SEC. 807. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 21A the following:

''SEC. 21B. NATIVE AMERICAN SMALL BUSINESS DEVELOPMENT CENTER NETWORK.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Alaska Native' means a Native (as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)));

''(2) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

''(3) the terms 'Native American Small Business Development Center Network' and 'Network' mean 1 lead center small business development center with satellite locations located on Alaska Native, Indian, or Native Hawaiian lands;

''(4) the terms 'Native Hawaiian' and 'Native Hawaiian Organization' have the same meanings as in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912) and section 8(a)(15) of this Act;

''(5) the term 'Indian lands' includes lands within the definition of—

''(A) the term 'Indian country', as defined in section 1151 of title 18, United States Code; and

''(B) the term 'reservation', as defined in—

''(i) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), except that such section shall be applied by treating the term 'former Indian reservations in Oklahoma' as including only lands that are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations, as in effect on the date of enactment of this section; and

''(ii) section 4(10) of the Indian Child Welfare Act (25 U.S.C. 1903(10));

''(6) the term 'Tribal Business Information Center' means a business information center established by the Administration and a tribal organization on Alaska Native, Indian, or Native Hawaiian lands, as authorized by this section;

''(7) the terms 'Tribal Electronic Commerce Small Business Resource Center' and 'Resource Center' mean an information sharing system and resource center providing research and resources to the Network, as authorized by this section; and

''(8) the term 'tribal organization' has the same meaning as in section 4(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)), except for the proviso contained in that paragraph, and includes Native Hawaiian Organizations and organizations of Alaska Natives.

''(b) AUTHORITY FOR NETWORK.—

''(1) IN GENERAL.—The Administration may establish a Native American Small Business Development Center Network and a Tribal Electronic Commerce Small Business Resource Center.

''(2) PURPOSE.—The purpose of the Network shall be to stimulate Alaska Native, Indian, and Native Hawaiian economies through the creation and expansion of small businesses.

''(3) ESTABLISHMENT.—The Administration may provide 1 or more contracts, grants, and cooperative agreements to any established tribal organization to establish the Network and the Resource Center. Awards made under this section may be subgranted.

''(c) USES OF ASSISTANCE.—Services provided by the Network shall include—

''(1) providing current business management and technical assistance in a cost-effective and culturally tailored manner that primarily serves Alaska Natives, members of Indian tribes, or Native Hawaiians;

''(2) providing Tribal Business Information Centers with current electronic commerce information, training, and other forms of technical assistance;

''(3) supporting the Resource Center; and

''(4) providing any of the services that a small business development center may provide under section 21.

''(d) GRANT AND COOPERATIVE AGREEMENT MATCHING REQUIREMENT.—

''(1) IN GENERAL.—As a condition for receiving a contract, grant, or cooperative agreement authorized by this section, the recipient organization shall agree to obtain, after its application has been approved and notice of award has been issued, cash or in kind contributions from non-Federal sources as follows:

''(A) One non-Federal dollar for each 4 Federal dollars in the first and second years of the term of the assistance.

''(B) One non-Federal dollar for each 3 Federal dollars in the third and fourth years of the term of the assistance.

''(C) One non-Federal dollar for each Federal dollar in the fifth and succeeding years of the term of the assistance.

''(2) WAIVER.—The Administration may waive or reduce the matching funds requirements in paragraph (1) with respect to a recipient organization if the Administration determines that such action is consistent with the purposes of this section and in the best interests of the program authorized by this section.

''(3) EXCEPTION.—The matching funds requirement of paragraph (1) does not apply to contracts, grants, or cooperative agreements made to a tribal organization for the Resource Center.

''(e) AUTHORIZATION.—There is authorized to be appropriated—

''(1) to carry out this section, $3,000,000 for fiscal year 2001 and each subsequent fiscal year; and

''(2) to fund the establishment and implementation of one Resource Center under the authority of this section, $500,000 for fiscal year 2001 and each subsequent fiscal year.''.

(b) NATIVE HAWAIIAN ORGANIZATIONS UNDER SECTION 8(a).—Section 8(a)(15)(A) of the Small Business Act (15 U.S.C. 637(a)(15)(A)) is amended to read as follows:

''(A) is a nonprofit corporation that has filed articles of incorporation with the director (or the designee thereof) of the Hawaii Department of Commerce and Consumer Affairs, or any successor agency,''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 4, 2000, at 9:30 a.m. in room 366 of the Dirksen Senate Building to conduct an oversight hearing on alcohol and law enforcement in Alaska.

Those wishing additional information may contact committee staff at 202/224–2251.

MEASURE READ THE FIRST TIME—S. 3146

Mr. KYL. Mr. President, I understand that S. 3146 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3146) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

Mr. KYL. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

SMALL BUSINESS INNOVATION RESEARCH PROGRAM AUTHORIZATION ACT OF 2000

Mr. KYL. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on the bill, H.R. 2392, an act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research program, and for other purposes.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2392) entitled ''An Act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes,'' with the following amendment:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of SBIR program.
Sec. 104. Annual report.
Sec. 105. Third phase assistance.
Sec. 106. Report on programs for annual performance plan.
Sec. 107. Output and outcome data.
Sec. 108. National Research Council reports.
Sec. 109. Federal agency expenditures for the SBIR program.
Sec. 110. Policy directive modifications.
Sec. 111. Federal and State technology partnership program.
Sec. 112. Mentoring networks.
Sec. 113. Simplified reporting requirements.
Sec. 114. Rural outreach program extension.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

Sec. 201. Short title.
Sec. 202. Levels of participation.
Sec. 203. Loan amounts.
Sec. 204. Interest on defaulted loans.
Sec. 205. Prepayment of loans.
Sec. 206. Guarantee fees.
Sec. 207. Lease terms.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.
Sec. 302. Women-owned businesses.
Sec. 303. Maximum debenture size.
Sec. 304. Fees.
Sec. 305. Premier certified lenders program.
Sec. 306. Sale of certain defaulted loans.
Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Investment in small business investment companies.
Sec. 404. Subsidy fees.
Sec. 405. Distributions.
Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.
Sec. 502. Reauthorization of small business programs.
Sec. 503. Additional reauthorizations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Loan application processing.
Sec. 602. Application of ownership requirements.
Sec. 603. Eligibility for HUBZone program.
Sec. 604. Subcontracting preference for veterans.
Sec. 605. Small business development center program funding.
Sec. 606. Surety bonds.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SEC. 101. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Small Business Innovation Research Program Reauthorization Act of 2000''.

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the ''SBIR program'') is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

''(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.''.

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking ''and the Committee on Small Business of the House of Representatives'' and inserting '', and to the Committee on Science and the Committee on Small Business of the House of Representatives,''.

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

''(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and''.

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following new paragraph:

''(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).''.

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end '', including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)''.

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

''(k) DATABASE.—

''(1) PUBLIC DATABASE.—Not later than 180 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

''(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

''(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

''(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

''(ii) the Federal agency making the award; and

''(iii) the date and amount of the award;

''(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

''(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

''(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

''(A) contains for each second phase award made by a Federal agency—

''(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

''(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

''(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

''(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

''(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

''(i) the name, size, and location, and an identifying number assigned by the Administration;

''(ii) an abstract of the project; and

''(iii) the Federal agency to which the application was made;

''(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

''(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

''(3) UPDATING INFORMATION FOR DATABASE.—

''(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

''(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

''(i) update information in the database concerning that award at the termination of the award period; and

''(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

''(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

''(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.''.

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of the enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of the enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of the enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking ''(i) Each Federal'' and inserting the following:

''(i) ANNUAL REPORTING.—

''(1) IN GENERAL.—Each Federal''; and

(2) by adding at the end the following:

''(2) CALCULATION OF EXTRAMURAL BUDGET.—

''(A) METHODOLOGY.—Not later than 4 months after the date of the enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

''(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).''.

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

''(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

''(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

''(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

''(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

''(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

''(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

''(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).''.

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following new section:

''SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

''(a) DEFINITIONS.—In this section and section 35, the following definitions apply:

''(1) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

''(2) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

''(3) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this section.

''(4) MENTOR.—The term 'mentor' means an individual described in section 35(c)(2).

''(5) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

''(6) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

''(7) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

''(8) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(9) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).

''(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(c) GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

''(A) technology research and development by small business concerns;

''(B) technology transfer from university research to technology-based small business concerns;

''(C) technology deployment and diffusion benefiting small business concerns;

''(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(i) State and local development agencies and entities;

''(ii) representatives of technology-based small business concerns;

''(iii) industries and emerging companies;

''(iv) universities; and

''(v) small business development centers; and

''(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

''(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

''(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

''(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

''(iv) to encourage the commercialization of technology developed through SBIR program funding.

''(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

''(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

''(B) shall consider, at a minimum—

''(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

''(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

''(iii) whether the projected costs of the proposed activities are reasonable;

''(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

''(v) the manner in which the applicant will measure the results of the activities to be conducted.

''(3) PROPOSAL LIMIT.—Not more than one proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

''(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

''(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

''(1) Federal agencies required by section 9 to have an SBIR program; and

''(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(A) State and local development agencies and entities;

''(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(C) State science and technology councils; and

''(D) representatives of technology-based small business concerns.

''(e) ADMINISTRATIVE REQUIREMENTS.—

''(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be

made or entered into, as applicable, on a competitive basis.

''(2) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

''(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

''(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

''(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

''(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

''(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

''(f) REPORTS.—

''(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

''(A) a description of the structure and procedures of the program;

''(B) a management plan for the program; and

''(C) a description of the merit-based review process to be used in the program.

''(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

''(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(g) REVIEWS BY INSPECTOR GENERAL.—

''(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

''(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

''(B) the overall management and effectiveness of the FAST program.

''(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

''(h) PROGRAM LEVELS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

''(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

''(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.''.

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

''(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

''(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

''(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

''(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

''(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

''(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

''(F) the Institutional Development Award Program of the National Institutes of Health; and

''(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

''(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

''(A) any proposal to provide outreach and assistance to one or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

''(i) a State that is eligible to participate in that program; or

''(ii) a State described in paragraph (3); or

''(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

''(i) a State that is eligible to participate in a technology development program; or

''(ii) a State described in paragraph (3).

''(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.''.

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following new section:

''SEC. 35. MENTORING NETWORKS.

''(a) FINDINGS.—Congress finds that—

''(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

''(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

''(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

''(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

''(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

''(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

''(2) identify volunteer mentors who—

''(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

''(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

''(i) proposal writing;

''(ii) marketing;

''(iii) Government accounting;

''(iv) Government audits;

''(v) project facilities and equipment;

''(vi) human resources;

''(vii) third phase partners;

''(viii) commercialization;

''(ix) venture capital networking; and

''(x) other matters relevant to the SBIR and STTR programs;

''(3) have experience working with small business concerns participating in the SBIR and STTR programs;

''(4) contribute information to the national database referred to in subsection (d); and

''(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

''(d) MENTORING DATABASE.—The Administrator shall—

''(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating

under this section, including a description of their areas of expertise;

''(2) work cooperatively with Mentoring Networks to maintain and update the database;

''(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

''(4) fulfill the requirements of this subsection either directly or by contract.''.

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following new subsection:

''(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.''.

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking ''2001'' and inserting ''2005''.

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking ''for fiscal year 1998, 1999, 2000, or 2001'' and inserting ''for each of the fiscal years 2000 through 2005,''.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Small Business General Business Loan Improvement Act of 2000''.

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking ''$100,000'' and inserting ''$150,000''; and

(2) in paragraph (ii)—

(A) by striking ''80 percent'' and inserting ''85 percent''; and

(B) by striking ''$100,000'' and inserting ''$150,000''.

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking ''$750,000,'' and inserting, ''$1,000,000 (or if the gross loan amount would exceed $2,000,000),''.

SEC. 204. INTEREST ON DEFAULTED LOANS.

Subparagraph (B) of section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended by adding at the end the following:

''(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.''.

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking ''(4) INTEREST RATES AND FEES.—'' and inserting ''(4) INTEREST RATES AND PREPAYMENT CHARGES.—''; and

(2) by adding at the end the following:

''(C) PREPAYMENT CHARGES.—

''(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

''(I) the loan is for a term of not less than 15 years;

''(II) the prepayment is voluntary;

''(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

''(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

''(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

''(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

''(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

''(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.''.

SEC. 206. GUARANTEE FEES.

Section 7(a)(18)(B) of the Small Business Act (15 U.S.C. 636(a)(18)(B)) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LOANS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), if the total deferred participation share of a loan guaranteed under this subsection is less than or equal to $150,000, the guarantee fee collected under subparagraph (A) shall be in an amount equal to 2 percent of the total deferred participation share of the loan.

''(ii) RETENTION OF FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of the fee collected in accordance with this subparagraph with respect to any loan not exceeding $150,000 in gross loan amount.''.

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

''(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.''.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Certified Development Company Program Improvements Act of 2000''.

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma ''or women-owned business development''.

SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

''(2) Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.''.

SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

''(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.''.

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (relating to section 508 of the Small Business Investment Act) is repealed.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking ''On a pilot program basis, the'' and inserting ''The'';

(2) by redesignating subsections (d) though (i) as subsections (e) though (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(4) in subsection (h) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)''; and

(5) by inserting after subsection (c) the following:

''(d) SALE OF CERTAIN DEFAULTED LOANS.—

''(1) NOTICE.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

''(2) LIMITATIONS.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

''(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

''(B) provides the notice required by paragraph (1).''.

SEC. 307. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

''SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

''(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

''(b) ELIGIBILITY FOR DELEGATION.—

''(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

''(A) the company—

''(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

''(ii) is participating in the Premier Certified Lenders Program under section 508; or

''(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

''(B) the company—

''(i) has one or more employees—

''(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

''(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

''(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the

approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) CONFIRMATION.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

''(c) SCOPE OF DELEGATED AUTHORITY.—

''(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

''(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

''(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

''(i) defend or bring any claim if—

''(I) the outcome of the litigation may adversely affect the Administration's management of the loan program established under section 502; or

''(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

''(ii) oversee the conduct of any such litigation; and

''(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

''(2) ADMINISTRATION APPROVAL.—

''(A) LIQUIDATION PLAN.—

''(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

''(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

''(B) PURCHASE OF INDEBTEDNESS.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

''(ii) ADMINISTRATION ACTION ON REQUEST.—

''(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

''(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

''(C) WORKOUT PLAN.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

''(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

''(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

''(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

''(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraphs (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

''(i) shall be in writing;

''(ii) shall state the specific reason for the Administration's inability to act on a plan or request;

''(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

''(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

''(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

''(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

''(1) does not meet the requirements of subsection (b)(1);

''(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

''(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

''(e) REPORT.—

''(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

''(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

''(i) the total cost of the project financed with the loan;

''(ii) the total original dollar amount guaranteed by the Administration;

''(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

''(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

''(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

''(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

''(D) A comparison between—

''(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

''(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

''(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays that resulted.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of the enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Beginning on the date which the final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the ''Small Business Investment Corrections Act of 2000''.

SEC. 402. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting ''regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment'' before the semicolon at the end.

(b) LONG TERM.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking ''and'' at the end;

(2) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.''.

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking ''(b) Notwithstanding'' and inserting the following:

''(b) FINANCIAL INSTITUTION INVESTMENTS.—

''(1) CERTAIN BANKS.—Notwithstanding''; and

(2) by adding at the end the following:

''(2) CERTAIN SAVINGS ASSOCIATIONS.—Notwithstanding any other provision of law, any Federal savings association may invest in any one or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.''.

SEC. 404. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking ''plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration'' and inserting ''plus, for debentures issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration''.

(b) PARTICIPATING SECURITIES.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking ''plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration'' and inserting ''plus, for participating securities issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration''.

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking ''subchapter s corporation'' and inserting ''subchapter S corporation'';

(2) by striking ''the end of any calendar quarter based on a quarterly'' and inserting ''any time during any calendar quarter based on an''; and

(3) by striking ''quarterly distributions for a calendar year,'' and inserting ''interim distributions for a calendar year,''.

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking ''five years'' and inserting ''1 year''.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Small Business Reauthorization Act of 2000''.

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(g) FISCAL YEAR 2001.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2001:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $45,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $60,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $14,500,000,000 in general business loans as provided in section 7(a);

''(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $2,500,000,000 in purchases of participating securities; and

''(ii) $1,500,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

''(h) FISCAL YEAR 2002.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $60,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $80,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $15,000,000,000 in general business loans as provided in section 7(a);

''(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $3,500,000,000 in purchases of participating securities; and

''(ii) $2,500,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

''(i) FISCAL YEAR 2003.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $100,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $16,000,000,000 in general business loans as provided in section 7(a);

''(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $4,000,000,000 in purchases of participating securities; and

''(ii) $3,000,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary

loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.''.

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) SMALL BUSINESS DEVELOPMENT CENTERS PROGRAM.—Section 21(a)(4)(C)(iii)(III) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)(III)) is amended by striking ''$95,000,000'' and inserting ''$125,000,000''.

(b) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

*(1) in the section heading, by striking ''**DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM**'' and inserting ''**PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM**''; and*

(2) in subsection (g)(1), by striking ''$10,000,000 for fiscal years 1999 and 2000'' and inserting ''$5,000,000 for each of fiscal years 2001 through 2003''.

(c) HUBZONE PROGRAM.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following new subsection:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.''.

(d) WOMEN'S BUSINESS ENTERPRISE DEVELOPMENT PROGRAMS.—Section 411 of the Women's Business Ownership Act (Public Law 105–135; 15 U.S.C. 631 note) is amended by striking ''$600,000, for each of fiscal years 1998 through 2000,'' and inserting ''$1,000,000 for each of fiscal years 2001 through 2003,''.

(e) VERY SMALL BUSINESS CONCERNS PROGRAM.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

(f) SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of the enactment of this title, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 602. APPLICATION OF OWNERSHIP REQUIREMENTS.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

''(k) APPLICATION OF OWNERSHIP REQUIREMENTS.—Each ownership requirement established under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) shall be applied without regard to any possible future ownership interest of a spouse arising from the application of any State community property law established for the purpose of determining marital interest.''.

SEC. 603. ELIGIBILITY FOR HUBZONE PROGRAM.

Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended by adding at the end the following new subparagraph:

''(E) EXTENSION OF ELIGIBILITY.—If a geographic area that qualified as a HUBZone under this subsection ceases to qualify as a result of a change in official government data or boundary designations, each small business concern certified as HUBZone small business concern in connection with such geographic area shall remain certified as such for a period of 1 year after the effective date of the change in HUBZone status, if the small business concern continues to meet each of the other qualifications applicable to a HUBZone small business concern.''.

SEC. 604. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting ''small business concerns owned and controlled by veterans,'' after ''small business concerns,'' the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns owned and controlled by veterans,'' in each of the first and second sentences; and

(B) in subparagraph (F), by inserting ''small business concern owned and controlled by service-disabled veterans,'' after ''small business concern owned and controlled by veterans,''; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting ''small business concern owned and controlled by service-disabled veterans,'' after ''small business concerns owned and controlled by veterans,''.

SEC. 605. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking ''For fiscal year 1985'' and all that follows through ''expended.'' and inserting the following: ''For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

''(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

''(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

''(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

''(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

''(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).''.

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is further amended by moving paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

''(C) FUNDING FORMULA.—

''(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

''(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

''(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

''(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

''(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

''(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

''(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

''(I) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

''(II) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage amount by which the amount made available is less than $81,500,000.

''(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the sum of $500,000 plus a percentage of $500,000 equal to the percentage amount by which the amount made available exceeds $90,000,000.

''(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

''(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in 2000, or until such funds are exhausted, whichever first occurs.

''(II) If any funds remain after the application of subclause (I), the remaining amount may

be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

''(v) USE OF AMOUNTS.—

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

''(aa) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

''(bb) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

''(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) to less than $85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

''(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (c)(3)(G) or (a)(6) or supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

''(viii) STATE DEFINED.—In this subparagraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.''.

SEC. 606. SURETY BONDS.

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking ''$1,250,000'' and inserting ''$2,000,000''; and

(2) in subsection (e)(2), by striking ''$1,250,000'' and inserting ''$2,000,000''.

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking ''2000'' and inserting ''2003''.

AMENDMENT NO. 4286

(Purpose: To provide for a complete substitute)

Mr. KYL. I ask unanimous consent that the Senate concur in the amendment of the House, with a further amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4286) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. BOND. Mr. President, I rise today in support of important legislation to re-authorize the Small Business Innovation and Research (SBIR) program and other essential programs at the Small Business Administration (SBA). On Monday, September 25, 2000, the House of Representatives amended the Senate-passed version of H.R. 2392, the Small Business Innovation Research Program Reauthorization Act of 2000, by adding the following bills to this legislation: H.R. 2614 (The Certified Development Company Program Improvement Act of 2000), H.R. 2615, (to make improvements to the 7(a) guaranteed business loan program), H.R. 3843, (the Small Business Reauthorization Act of 2000), and H.R. 3845, (the Small Business Investment Corrections Act of 2000).

While the House-passed bill includes many important programs to help small businesses, there are some serious omissions. Although I strongly support H.R. 2392 as amended by the House, Senator JOHN KERRY and I are offering an amendment in the nature of a substitute to restore some of the most serious omissions to H.R. 2392. Our amendment adds to, but does not remove, any provisions from the House-passed bill.

The House-passed version of H.R. 2392 failed to include some very key provisions that are critical to the mission of SBA in Fiscal Year 2001. The House bill did include the Senate-passed bill to improve and extend the SBIR program for eight years, and it did adopt authorization levels for SBA programs included in the Senate version of the Small Business Reauthorization Act of 2000. However, the House bill failed to include many key provisions that were approved by the Senate Committee on Small Business earlier this year. Our Substitute Amendment will restore some of the most important omitted provisions.

The following is a list of the program amendments that were excluded from the House bill that we have included in the Bond-Kerry substitute amendment: Senator KERRY's Microloan program amendments that make extensive improvements in this key small business credit program; re-authorization of the National Women's Business Council, an amendment sponsored by Senator LANDRIEU during the committee markup; a change in the small business size standard system proposed by Senator FEINSTEIN that will help small fresh fruit and vegetable packing houses to qualify for Federal disaster relief; comprehensive amendments that I sponsored to improve the HUBZone program, which is designed to create jobs and investments in economically distressed inner cities and rural counties; the Native American Small Business Development Center Network; and 7(a) guarantee business loan guarantee fee simplification plan.

The Senate Committee on Small Business has approved the provisions being added to this legislation. In the case of the SBIR Reauthorization Act, the full Senate has also passed separate legislation. Most of the provisions included in the Bond-Kerry substitute amendment to H.R. 2392 are discussed at length in the following committee reports that have been filed in the Senate: Senate Report 106–289, Small Business Innovation Research Program Reauthorization Act of 2000; and Senate Report 106–422, Small Business Reauthorization Act of 2000.

There are two major provisions that were included in S. 3121, the Small Business Reauthorization Act of 2000, which was reported favorably from the Senate Committee on Small Business, but which have not been included in the Bond-Kerry substitute amendment. I have withdrawn the two provisions in order to expedite congressional passage and the enactment of this important SBA and SBIR re-authorization legislation. It is my intention to make passage of these provisions a high priority in the next Congress.

Earlier this year, the Committee on Small Business approved an important provision that would reverse a serious problem caused by the SBA in its implementation of the HUBZone Program, which the Congress enacted in 1997 as part of the Small Business Reauthorization Act. As many of my colleagues in the Senate know, the HUBZone Program directs a portion of the Federal contracting dollars into economically distressed areas of the country that have been out of the economic mainstream for far too long.

HUBZone areas, which include qualified census tracts, rural counties, and Indian reservations, often are relatively out-of-the-way places that the stream of commerce often by-passe. They tend to be low-traffic areas that do not have a reliable customer base to support business development. As a result, business has been reluctant to move into these areas. It simply has not been profitable absent a customer base to keep them operating.

The HUBZone Act seeks to overcome this problem by making it possible for the Federal government to become a customer for small businesses that locate in HUBZones. While a small business works to establish its regular customer base, a Federal contract can help it stabilize its revenues and its profitability. This program provides small business a chance to gain an economic foothold and to provide jobs to these areas. New businesses, more investments and new job opportunities mean new life and new hope for these communities.

When Congress enacted the HUBZone program in 1997, a lot of people were concerned about how the HUBZone program would interact with the 8(a) minority enterprise program. We in Congress agreed at that time to protect the 8(a) program by saying the two programs would have parity—neither one would have an automatic preference over the other in getting Federal government contracts.

Notwithstanding the 1997 Act, SBA has decided to disregard the instructions of the Congress and put 8(a) ahead of HUBZones in every case. Even if the Government is failing to reach its HUBZone goal and is meeting its Small Disadvantaged Business goal (of which 8(a) is a part), SBA insists that the 8(a) program still has a priority over the HUBZone Program.

SBA has abandoned the protection Congress included in the 1997 law when

it enacted the HUBZone Program. Contrary to the law, SBA is setting up the two programs in competition with each other, which is precisely what Congress sought to prevent. Putting either program in competition with the other is a prescription for one of the programs to fail.

SBA's position does real harm to minority communities as well. The 8(a) program has a role to play in ensuring minority communities own assets in the economy. It ensures minority business owners get the opportunity to be self-supporting, independent citizens with a full stake in our economy. It's important that all Americans have a piece of the economic pie.

HUBZones and 8(a) are two prongs of the same fork. They both have a vital role to play in ensuring opportunity. That's why it's important to correct SBA's current position and to keep the two programs from competing with each other. The remedial language that I have withdrawn from the Substitute Amendment would have reversed the SBA position and restore the equal footing Congress established when it created the HUBZone program three years ago. I intend to pursue a comprehensive remedy to this problem early next year.

On November 5, 1999, the Senate approved unanimously S. 1346, a bill I introduced to make the SBA Office of Advocacy a stronger, more effective advocate for all small businesses throughout the United States. This bill was referred to the House Committee on Small Business on November 8, 1999, and it has failed since then to take action on this important legislation that has the strong support of almost every segment of the small business community.

Consequently, when the Senate Small Business Committee marked up the S. 3121, the Small Business Reauthorization Act of 2000, it incorporated the entire text of S. 1346 as a separate title. It was the committee's intention that this action might spur the House committee to take action on this bill. Unfortunately, the Houses remains adamant in its opposition. Both Chairman JIM TALENT and Ranking Democrat, NYDIA VELÁZQUEZ from the House Small Business Committee have insisted that the title to strengthen SBA's Office of Advocacy be stricken from the bill. Therefore, I am withdrawing S. 1346 in order to clear the way for swift passage by the Senate and House of Representatives of H.R. 2392 with the Bond/Kerry substitute amendment.

Senator KERRY and I have taken some very dramatic steps to insure that the Small Business Reauthorization Act of 2000 is enacted as soon as possible. It is critical that the Senate act quickly to adopt the substitute amendment to H.R. 2392. Our substitute amendment will have a positive impact on nearly every SBA program, from guaranteed business loans, to equity investments, to management and technical assistance for small businesses and budding entrepreneurs. Now is not the time to turn our backs on the critical role played by small businesses in our vibrant economy. We need to enact this comprehensive legislation now so that small businesses and their employees can receive the full benefit of these programs.

I urge my colleagues in the Senate to vote in favor of this much needed bill.

Mr. KERRY. Mr. President, let me say a few words about the Small Business Reauthorization Act of 2000 and the managers' amendment that the Senate is considering today. While I applaud the House for their action to ensure the continuation of important Small Business Administration (SBA) programs, the managers' amendment offered by Chairman BOND and myself includes key provisions extending and improving important SBA programs. This bill, with the inclusion of the managers' amendment, is comprehensive. It reauthorizes all of the SBA's programs, setting the funding levels for the credit and business development programs, and making improvements where needed. Without this legislation, the 504 loan program would shut down; the venture capital debenture program would shut down; and funding to the states for their small business development centers would be in jeopardy. The list goes on. I just can't emphasize enough how important this legislation is.

The SBA's contribution is significant. In the past eight years, the SBA has helped almost 375,000 small businesses get more than $80 billion in loans. That's double what it has loaned in the preceding 40 years since the agency's creation. The SBA is better run than ever before, with four straight years of clean financial audits; it has a quarter less staff, but makes twice as many loans; and its credit and finance programs are a bargain. For a relatively small investment, taxpayers are leveraging their money to help thousands of small businesses every year and fuel the economy.

Let me just give you one example. In the 7(a) program, taxpayers spend $1.24 for every $100 loaned to small business owners. Well known successes like Winnebago and Ben & Jerry's are clear examples of the program's effectiveness.

Overall, I agree with the program levels in the three-year reauthorization bill. As I said during the Small Business Committee's hearing on SBA's budget earlier in the year, I believe the program levels are realistic and appropriate based on the growing demand for the programs and the prosperity of the country. I also think they are adequate should the economy slow down and lenders have less cash to invest. Consistent with SBA's mission, in good times or bad, we need to make sure that small businesses have access to credit and capital so that our economy benefits from the services, products and jobs they provide. As First Lady Hillary Rodham Clinton says, we don't want good ideas dying in the parking lot of banks. We also want a safety net when our states are hit hard by a natural disaster. There are many members of this Chamber, and their constituents, who know all too well the value of SBA disaster loans after floods, fires and tornadoes.

I will only take a short time to talk about some of important the provisions of this bill and our managers' amendment.

I am pleased that we are considering legislation to extend the Small Business Innovation Research (SBIR) program for 8 more years as part of this comprehensive SBA reauthorization bill. As many of my colleagues may know, this program is set to expire on September 30, along with many other important programs critical to our nation's small businesses. While I am sorry the process has taken this long, in no way should it imply that there is not strong support for the SBIR program, the Small Business Administration, or our nation's innovative small businesses.

The SBIR program is of vital importance to the high-technology sector throughout the country. For the past decade, growth in the high-technology field has been a major source of the resurgence of the American economy we now enjoy. While many Americans know of the success of Microsoft, Oracle, and many of the dot.com companies, few realize that it is America's small businesses that are working in industries like software, hardware, medical research, aerospace technologies, and bio-technology that are helping to fuel this resurgence—and that it is the SBIR program that makes much of this possible. By setting aside Federal research and development dollars specifically for small high-tech businesses, SBIR is making important contributions to our economy.

These companies have helped launch the space shuttle; found a vaccine for Hepatitis C; and made B–2 Bomber missions safer and more effective.

Since the start of the SBIR program in 1983, more than 17,600 firms have received over $9.8 billion in assistance. In 1999 alone, nearly $1.1 billion was awarded to small high-tech firms through the SBIR program, assisting more than 4,500 firms.

The SBIR program has been, and remains, an excellent example of how government and small business can work together to advance the cause of both science and our economy. Access to risk capital is vital to the growth of small high technology companies, which accounted for over 40 percent of all jobs in the high technology sector of our economy in 1998. The SBIR program gives these companies access to Federal research and development money and encourages those who do the research to commercialize their results. Because research is crucial to ensuring that our nation is the leader in

knowledge-based industries, which will generate the largest job growth in the next century, the SBIR program is a good investment for the future.

I am proud of the many SBIR successes that have come from my state of Massachusetts. Companies like Advanced Magnetics of Cambridge, Massachusetts, illustrate that success. Advanced Magnetics used SBIR funding to develop a drug making it easier for hospitals to find tumors in patients. The development of this drug increased company sales and allowed Advanced Magnetics to hire additional employees. This is exactly the kind of economic growth we need in this nation, because jobs in the high-technology field pay well and raise everyone's standard of living. That is why I am such a strong supporter and proponent of the SBIR program and fully support its reauthorization.

This legislation also includes H.R. 2614, which reauthorizes SBA's 504 loan program, which passed the Senate on June 14, 2000. The bill and our managers' amendment make common-sense changes to this critical economic development tool. These changes will greatly increase the opportunity for small business owners to build a facility, buy more equipment, or acquire a new building. In turn, small business owners will be able to expand their companies and hire new workers, ultimately resulting in an improved local economy.

Since 1980, over 25,000 businesses have received more than $20 billion in fixed-asset financing through the 504 program. In my home state of Massachusetts, over the last decade small businesses have received $318 million in 504 loans that created more than 10,000 jobs. The stories behind those numbers say a lot about how SBA's 504 loans help business owners and communities. For instance, in Fall River, Massachusetts, owners Patricia Ladino and Russell Young developed a custom packing plant for scallops and shrimp that has grown from ten to 30 employees in just two short years and is in the process of another expansion that will add as many as 25 new jobs.

Under this reauthorization bill, the maximum debenture size for Section 504 loans has been increased from $750,000 to $1 million. For loans that meet special public policy goals, the maximum debenture size has been increased from $1 million to $1.3 million. It has been a decade since we increased the maximum guarantee amount. If we were to change it to keep pace with inflation, the maximum guarantee would be approximately $1.25 million instead of $1 million. Instead of implementing such a sharp increase, we are striking a balance between rising costs and increasing the government's exposure and only seeking to increase the cap to $1 million.

I am pleased to say that this legislation also includes a provision assisting women-owned businesses, which I first introduced in 1998 as part of S. 2448, the Small Business Loan Enhancement Act. This provision adds women-owned businesses to the current list of businesses eligible for the larger public policy loans. As the role of women-owned businesses in our economy continues to increase, we would be remiss if we did not encourage their growth and success by adding them to this list.

The 504 loan program gets results. It expands the opportunities of small businesses, creates jobs and betters communities. It is crucial that it be reauthorized, and that is what this legislation does.

Another important program reauthorized under this legislation and strengthened by the managers' amendment is the Microloan program. I have long been a believer in microloans and their power to help people gain economic independence while improving the communities in which they live. This bill authorizes lower levels for the microloan program than the Administration requested. Of course, I would prefer to have full funding because I believe it is important to expand the program so that it is available everywhere. But, compromise is part of the legislative process, and a moderate increase is better than none at all. Nevertheless, I will be monitoring usage of microloan technical assistance and have told Chairman BOND that the Senate Committee on Small Business should revisit the issue before the end of the three-year reauthorization period if the level authorized is inadequate to meet program needs.

In addition to funding, our managers' amendment also makes important changes to the microloan program. We have heard from intermediaries and economic development activists around the country that with some administrative and legislative changes, this program could have a greater impact. This bill takes some important steps in the right direction. Right now we have 156 microlending intermediaries. This bill will permit the program to grow to 250 in FY 2001; to 300 in FY 2002, and to 350 in FY 2003. It also increases loan levels and technical assistance levels over three years. With more technical assistance, we will be able to increase the number of intermediaries, and therefore reach more borrowers in rural areas or large states. I also support the provision to raise the cap on microloans from $25,000 to $35,000, making it adequate to help micro-entrepreneurs in states and urban areas where operating costs are more expensive. Senator SNOWE's provision to establish $1 million for peer-to-peer training for microlenders is also included. I strongly support this concept because it will help the program grow while maintaining its high quality and low loss rates.

Small Business Development Centers (SBDC) are also reauthorized under this legislation. SBDCs serve tens of thousands of small business owners and prospective owners every year. This bill takes a giant step to retool the formula that determines how much funding each state receives. This is an important program for all of our states and we want no confusion about its funding. Without this change, some states would have suffered sharp decreases in funding, disproportionate to their needs. I appreciate and am glad that the SBA and the Association of Small Business Development Centers worked with me to develop an acceptable formula so that small businesses continue to be adequately served.

This legislation also reauthorized the National Women's Business Council. For such a tiny office, with minimal funding and staff, it has managed to make a significant contribution to our understanding of the impact of women-owned businesses in our economy. It has also done pioneer work in raising awareness of business practices that work against women-owned business, such as some in the area of Federal procurement. Recently, they completed two studies that documented the world of Federal procurement and its impact on women-owned businesses.

According to the National Foundation for Women Business Owners, over the past decade, the number of women-owned businesses in this country has grown by 103 percent to an estimated 9.1 million firms. These firms generate almost $3.6 trillion in sales annually and employ more than 27.5 million workers. With the impact of women-owned businesses on our economy increasing at an unprecedented rate, Congress relies on the Council to serve as its eyes and ears as it anticipates the needs of this burgeoning entrepreneurial sector. Since it was established in 1988, the bipartisan Council has provided important unbiased advice and counsel to Congress.

This Act recognizes the Council's work and reauthorizes it for three years, from FY 2001 to 2003. It also increases the annual appropriation from $600,000 to $1 million. The increase in funding will allow the council to: support new and ongoing research; produce and distribute reports and recommendations prepared by the Council; and create an infrastructure to assist states develop women's business advisory councils, coordinate summits and establish an interstate communication network.

The Historically Underutilized Business Zone, or ''HUBZone'' program, which passed this Committee in 1997, has tremendous potential to create economic prosperity and development in those areas of our Nation that have not seen great rewards, even in this time of unprecedented economic health and stability. This program is similar to my New Markets legislation in that it creates an incentive to hire from, and perform work in, areas of this country that need assistance the most. This bill would authorize the HUBZone program at $10 million for the next 3 years, which is $5 million above the Administration's request.

Additionally, the managers' amendment included very important provisions to include those areas which were inadvertently missed when this legislation was crafted—namely, Indian tribal lands. I appreciate the willingness of the Committee on Indian Affairs to work with our Committee to create HUBZone opportunities in the states of Alaska and Hawaii, and in other Indian tribal lands.

The HUBZone section does not contain any provision addressing the interaction of the HUBZone and 8(a) minority contracting programs. I believe that the 8(a) program is an important and necessary tool to help minority small businesses receive access to government contracts. The Chairman and I agree that there is a need to enhance the participation of both 8(a) and HUBZone companies in Federal procurement. It is my intention that the Senate Committee on Small Business consider the issue of enhancing small business procurement in the next Congress.

The Senate managers' amendment also includes a provision relating to SBA's cosponsorship authority. This authority allows SBA and its programs to cosponsor events and activities with private sector entities, thus leveraging the Agency's limited resources. The managers' amendment extends the authority for three additional years. This provision also adds ''information and education'' to the types of assistance that can be provided to small businesses by public and private sector organizations working with the SBA. This provision was recommended by the SBA as an effective change to training programs that are jointly run by the SBA and partner organizations.

Mr. President, let me conclude by reminding my colleagues that all of our states benefit from the success and abundance of small businesses. This legislation makes their jobs a little easier. I ask my colleagues for their support of this important legislation.

REFERRAL OF S. 1840

Mr. KYL. Mr. President, I ask unanimous consent that when the Committee on Indian Affairs reports S. 1840, a bill to provide for the transfer of public lands to certain California Indian tribes, it then be referred to the Energy Committee for a period not to exceed 7 calendar days. I further ask consent that if S. 1840 is not reported prior to the 7 days, the bill then be discharged from the Energy Committee and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, OCTOBER 3, 2000

Mr. KYL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Tuesday, October 3. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin final remarks on the H–1B visa legislation under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I further ask unanimous consent that the Senate stand in recess for the weekly party conferences to meet from 12:30 to 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. For the information of all Senators, the Senate will begin closing remarks on the H–1B visa bill at 9:30 a.m. Following 30 minutes of debate, the Senate will proceed to vote on the bill. The Senate will then proceed to executive session with several hours of debate on judges and up to four votes could occur after 2 p.m.

RECESS UNTIL TUESDAY, OCTOBER 3, 2000

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:32 p.m., recessed until Tuesday, October 3, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 2, 2000:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RANDOLPH J. AGLEY, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF ONE YEAR. (NEW POSITION)

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

REGINALD EARL JONES, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HSIN-MING FUNG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE SPEIGHT JENKINS, TERM EXPIRED.

UNITED STATES PAROLE COMMISSION

EDWARD F. REILLY, JR., OF KANSAS, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE JOHN R. SIMPSON, TERM EXPIRED.

SOCIAL SECURITY ADVISORY BOARD

MARK A. WEINBERGER, OF MARYLAND, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2006, VICE HARLAN MATHEWS, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114:

TO BE CAPTAIN

JOHN B. STETSON, 0000
CHRISTINE E. THOLEN, 0000

EXTENSIONS OF REMARKS

HONORING MARK PEARSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take this moment to honor the considerable achievements of Mark Pearson. Mark recently received recognition at Wilderness 2000, a conference on wilderness issues, honoring him for his dedicated work in the wilderness field.

Mark began the work that he is now well known for when he attended the University of Colorado at Boulder, where he was an active member of the CU Wilderness Study Group. This group studied public lands issues in Colorado, examining particularly important areas and then forming copious data into field reports. The reports that were done under Mark's supervision were so thorough and so well done that they soon became a guide of sorts for wilderness enthusiasts. Upon graduating from CU, Mark went on to attend Colorado State University where he graduated with a masters degree in Public Land Management. His undergraduate and masters work enabled him to become the well-respected wilderness expert that he is today.

Before working with the Colorado Wilderness Network, Mark worked with a number of different environmental groups. He has been an active member of the Colorado Environmental Coalition, the Sierra Club, as well as working for the Wilderness Land Trust. His expertise in Forestry and public land management soon landed him a job with Senator BEN NIGHTHORSE CAMPBELL as a public lands staffer. His knowledge of and leadership on wilderness issues is now being utilized by San Juan Citizens Alliance, where he is currently employed.

Mark has been a leading member of the wilderness community for over two decades. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to congratulate Mark on his well-deserved award.

HONORING CARRIE NEWTON AS THE ELEMENTARY SCHOOL TEACHER OF THE YEAR FOR FAYETTE COUNTY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. FLETCHER. Mr. Speaker, it is my honor to recognize an outstanding educator in the Central Kentucky educational community. For twenty-nine years, Carrie Newton has been a tireless advocate for learning, especially in the area of literacy, who has inspired countless young students just beginning their academic careers. A fourth grade teacher at Lansdown Elementary School, Ms. Newton demonstrates all the qualities of an exceptional educator.

Ms. Newton has recently been named Elementary School Teacher of the Year for Fayette County. Carrie Newton has worked hard to ensure that elementary school students develop a first-rate academic foundation that will lead them to realize their full potential in their future endeavors.

I join our community in recognizing an outstanding teacher who has contributed years of dedicated teaching at Lansdown Elementary. Ms. Newton is the kind of teacher that every parent and child wishes for—an educator who knows how to engage her students and motivate them to learn. It is a pleasure to recognize Ms. Newton on the House floor today for her superior work in education which has earned her the Teacher of the Year Award.

TRIBUTE TO THE CLEVELAND ORCHESTRA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. KUCINICH. Mr. Speaker, I wish to recognize the remarkable Cleveland Orchestra that was recently featured in the Wall Street Journal article titled ''In Cleveland, Music for Connoisseurs.''

The Cleveland Orchestra was founded in 1918 under the outstanding direction of Russian-American conductor Nikolai Sokoloff. The renowned Sokoloff initiated an extensive domestic touring schedule, educational concerts, commercial recordings and radio broadcasts. This rich tradition continued under the distinguished Artur Rodzinski, who served as music director from 1933–43. His claim to fame was the presentation of 15 fully-staged operas at Severance Hall. After a short reign by Erich Leinsdorf, the orchestra went through a period of revolutionary change and growth under the incredible leadership of George Szell beginning in 1946. Both the number of Orchestra members and the length of the season increased, and the Orchestra started touring outside the United States. The famous Cleveland Orchestra Chorus was also established during this time. When Szell passed away in 1970, he was temporarily replaced by Pierre Boulez and later by Lorin Maazel during the 1972–73 season. Maazel not only lived up to the standards set by his predecessors, but he also left his own mark on the Orchestra by expanding their repertoire to include more 20th century compositions. Christoph von Dohnanyi succeeded Maazel as music director in 1982, and he continues to hold the position today. During von Dohnanyi's tenure, the Cleveland Orchestra has soared to rank among the best of the world's symphonic ensembles.

However, it is not simply the wonderful direction that makes the Cleveland Orchestra so amazing. The true power and inspiration of the Orchestra stems from its outstanding and marvelously talented collection of musicians. From the violins to the flutes to the horns to the trombones, each section has its own magical sound but still blends modestly with the whole of the Orchestra.

A discussion of the grandeur of the Cleveland Orchestra is hardly complete without mention of its magnificent home, Severance Hall. The beautiful, ornate concert hall has just undergone a two-year, $36 million renovation and expansion. The goal of the project was to preserve Severance Hall's grace and architectural integrity. Thus, the original detailing of the Hall has been restored, and its legendary acoustics have been retained and enhanced.

Mr. Speaker, I ask my fellow colleagues to join me in recognizing the extraordinary achievements of the Cleveland Orchestra. I hope that the Orchestra continues bringing joy to the city of Cleveland and the rest of the world for many years to come, and I submit the aforementioned article into the RECORD.

IN CLEVELAND, MUSIC FOR CONNOISSEURS

WHILE ITS ARTISTIC PREEMINENCE IS UNQUESTIONED, THIS ORCHESTRA MAY FALL SHY OF FAME'S PEAK

By Greg Sandow

When Ellen dePasquale joined the Cleveland Orchestra two years ago, she'd had just two years of professional violin experience. And yet here she was, a member of the most disciplined orchestra in America, and possibly the world. Scarier still, she was leading it. She'd been hired as associate concertmaster, which made her second in command of the musicians. But the week she began, the main concertmaster, William Preucil, was playing in front of the orchestra as a soloist, leaving Ms. dePasquale in charge. I was overwhelmed,'' she told me.

''We tortured her!'' Mr. Preucil laughed, chatting with her and me and two other Cleveland Orchestra musicians. ''We broke her fingers,'' deadpanned Robert Vernon, the principal violist. But these were jokes. The surprising reality, as Ralph Curry, a member of the cello section, explained it, was utterly simple: ''She sat down and people followed her.'' Leading an orchestra, Ms. dePasquale said, suddenly was ''easier than it ever had been.''

This is one way to start a special story, about the culture of the Cleveland Orchestra, whose musical preeminence is taken for granted by professionals. That's been true ever since the '50s, when George Szell was music director and conducted—as we can hear on his recordings, still available from Sony Classical—with clarity, forceful intellect and decisive grace.

He set a standard that's still in force. I've heard three Cleveland recordings of Beethoven's Ninth, one with Szell conducting, another with Loren Maazel, music director from 1972 to 1982, and the third with Cleveland's current music director, Christoph von Dohnanyi. Szell's performance is both the strongest and the subtlest, Mr. Maazel's the most blatant and Mr. von Dohnanyi's the simplest, despite its force, and the most understated. But in all three, no matter what approach the conductor takes (and Mr. Maazel's case, maybe in spite of it), the musicians play every note with radiant care. Robert Vernon and Ralph Curry both played under Szell; both say they were taught the tradition when they arrived and that they

passed it on to those who came in after them.

They haven't changed what they look for, they said, when new players audition. ''A beautiful sound,'' Robert Vernon summarizes, ''not the flashiest playing.'' ''Someone who listens,'' William Preucil offered. ''Our character,'' Mr. Vernon said, ''is to sacrifice our own position to be with the other person''—something I noticed

These musicians, orchestra staff members said, play their best on matter where they are. And I heard that myself when some of them gave a concert in the gym of a local elementary school. This was part of a new program called Learning Through Music, which (though Cleveland is hardly the first orchestra to do this) not only puts musicians in the schools, but makes them part of the schools' curriculum. The gym was packed with kids and their working-class parents. The program ranged from standard classical repertoire—a movement, for instance, from the Berlioz ''Symphonie Fantastique,'' cannily arranged for 10 or so players—to rock and jazz and the sharp contemporary rhythm of Steve Reich's ''Clapping Music'' (played after a minute of silence, during which the kids were encouraged to hear the sounds that rustled and stirred around them). And while it's hardly a secret that orchestras don't always care about performance for children, in this one the musicians spoke to the kids with all the flair of accomplished entertainers and played with the same arresting certainty you'd hear on their records with Mr. von Dohnanyi. The audience was on its feet screaming; I've never seen an orchestra make so many friends so quickly.

But, then, the culture of the Cleveland Orchestra goes deeper than music. ''There's a sense of community you don't find many other places, and a can-do spirit,'' said Richard Kessler, director of the American Music Center, who got to know many orchestras from the inside when he worked as a consultant on orchestral education programs (including Cleveland's). ''I've never been in an institution that had less internal tension,'' said Patricia Wahlen, the orchestra's veteran director of development, after I'd watched her conduct a meeting. ''Talent I know I can find,'' said Thomas W. Morris, the executive director, talking about how he hires new staff. ''So I look for imagination.''

''The personality is the main thing, finally,'' Mr. Dohnanyi told me, describing what he looks for in new musicians. I spoke to four people on the board of directors, and none of them mentioned what his day job was until I asked. All four were powers in the Cleveland business world; they'd have to be, since the board raised $25 million toward the recent $116 million

''We have a passion for the music, for the musicians,'' said the board president, Richard J. Bogomolny (himself an accomplished violinist who plays chamber music with members of the orchestra, though, characteristically, it wasn't he who let me know that), John D. Ong, one of two co-chairmen of the board, describing the orchestra's position in the city, told me, ''George Szell lived in Cleveland and was seen doing the normal things that people do.'' One of Mr. Von Dohnanyi's sons just graduated from Case Western Reserve University here, and many people mentioned the city itself as one reason for the orchestra's success. Philanthropically, Mr. Ong told me, Cleveland is ''extraordinarily generous.''

To learn more, I called Ohio Sen. George Voinovich, who'd earlier been Cleveland's mayor, and John Grabowski, assistant professor of history at Case Western Reserve and director of research at the Western Reserve Historical Society. Mr. Grabowski talked about Cleveland's ''climate of service'' and how loyal Cleveland workers are to their jobs. But what struck me most was that both men had their own connection with the orchestra.

For many years, nearly every school-child in Cleveland was bused to Severance Hall; Mr. Grabowski heard concerts that way, while Senator Voinovich's mother took him to performances. ''I really miss that part of my life,'' the senator said, almost wistfully. ''As the mayor of the city, one of the nice things was to go to Severance Hall and be known by some of the musicians.''

The renovated hall is breathtaking—an art deco palace, red and gold with silver and faux-Egyptian highlights, more playful than you might expect, but also simpler and more serious. Inside it, the orchestra plays wonderfully serious concerts, with soloists chosen for their connoisseur's appeal (''We don't hire big names just because they're names,'' Edward Yim, the orchestra's artistic administrator, very quietly declared), and programs carefully constructed, with a constant presence of contemporary scores.

Are there problems? The only one I might have found was an apparent disagreement over incoming music director Franz Walser-Most, who'll succeed Mr. von Dohnanyi two years from now; the board, I think, adores him, but the musicians only said (as musicians often will).

''Let's wait and see.''

I started asking everybody what difficulties there might be; Thomas Morris answered ''complacency''—not now, but maybe in the future. I'll raise his bet and offer ''smugness.'' Mr. Morris isn't smug (I was amazed to find that his institution seemed even stronger than he says it is), but it's tricky being sure that you're the best. The musicians made comparisons with other orchestras that can't easily be quoted; they're surely true, but baldly written down they might not seem plausible. And there's a curious artistic challenge, which springs from a problem of perception. The Cleveland Orchestra, as I've said, is musically preeminent, but ever since George Szell, this largely has been preeminence for connoisseurs. What's missing, at least from the orchestra's image, is the expectation of simpler musical virtues, especially direct emotional expression. Mr. von Dohnanyi (''not an obvious choice,'' said Mr. Ong, ''but perfect for us'' understands musical integrity; he allows great sonic explosions, for example, only at climactic moments.

At Carnegie Hall, at the start of Charles Ives's ''The Unanswered Question,'' he evoked the softest orchestral sound I've ever heard, a kind of wordless aural poetry just a breath away from silence. but even though he might surprise you in romantic music—try his wrenching, limpid Tchaikovsky ''Pathetique'' on Telarc—he's most strikingly emotional in unpopular atonal works by Berg and Schoenberg. Mr. Walser-Most, of course, will have his own story to tell. But Mr. von Dohnanyi's version of Cleveland's impeccable tradition almost guarantees that the orchestra can't be wildly popular. It may not want to be; it's surely aiming higher. But still it's true that other orchestras remain more famous—the Vienna Philharmonic, for example, whose very name seems synonymous with classical music. Cleveland might be a better orchestra, but because it's not flashy, the final peaks of fame may so far have eluded it.

CELEBRATING THE ASSOCIATION FOR THE ADVANCEMENT OF MEXICAN AMERICANS' 30TH YEAR OF SERVICE TO THE HISPANIC COMMUNITY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. GREEN of Texas. Mr. Speaker, on October 20, 2000, the Association for the Advancement of Mexican Americans (AAMA) will be celebrating the 30th year of service to the Hispanic community. This is a tremendous achievement, and I wish them continued success.

Founded in 1970 in Houston, Texas, AAMA is the largest Hispanic nonprofit service provider in Texas. This community organization was founded to advance the needs of Hispanic families that are coping and struggling to beat back the grip of poverty, poor health and family planning, and low educational attainment. Today, AAMA provides services in Houston and across South Texas.

In my congressional district, AAMA operates the George I. Sanchez Charter High School, which provides at-risk Hispanic youth with an alternative educational environment. Today, the school is one of the largest and most successful charter schools in Texas.

In addition to these education services, AAMA also operates many social service programs, including three gang intervention programs, two HIV and AIDS counseling programs and several drug and alcohol abuse programs throughout Texas. With these programs in place, it is easy to see why AAMA is the largest social service provider in Texas.

AAMA is also involved in community development. The AAMA Community Development Corporation is dedicated to the revitalization of Houston's inner-city through the development of affordable and decent housing. The AAMA Community Development Corporation recently completed and leased a new 84-unit affordable living center in Houston's East End.

I am proud of everyone associated with AAMA. They work tirelessly on behalf of our communities. I ask every Member of the House of Representatives to join me in celebrating AAMA's 30th year of service and in wishing them continued success.

HONORING GEORGE MANZANARES

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this time to honor a remarkable human being, George Manzanares. George was a recent recipient of the Daily Point of Light Award. This award is given to individuals and groups that ''make a positive and lasting difference in the lives of others''. The Daily Point of Light Foundation presents one award each

day of the year and George is one of only four Coloradans to receive this prestigious and well deserved award.

George is being honored with this award for his work with George's Independent Boxing Club, which he has run off and on for almost two decades. He founded the organization in Durango, his hometown, as a way to provide children with an alternative way to focus their extracurricular activities. The original club was shut down in 1981, but because of George's tremendous efforts, he was able to open another club in Ignacio, Colorado in 1994, where it now has 17 active members.

George has always focused his energies in bettering his community. His work as the Executive Director of the Southern Ute Community Action Program is just one of the many organizations he has been a part of. Through George's hard work and determination he has helped the lives of hundreds of children by teaching them healthy lifestyle alternatives.

George Manzanares' work, through his boxing club and other activities in the community, have ensured that Southern Colorado's youth will have an active and successful future. Mr. Speaker, on behalf of the State of Colorado and the US Congress I would like to congratulate Mr. Manzanares on this outstanding accomplishment as well as thank him for his commitment to America's youth.

HONORING HOBERT HURT AS THE MIDDLE SCHOOL TEACHER OF THE YEAR FOR FAYETTE COUNTY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. FLETCHER. Mr. Speaker, today I acknowledge an outstanding educator in the Central Kentucky community. Mr. Hobert Hurt has dedicated twenty-six years to teaching technology at Leestown Math, Science, and Technology Middle School. Known as one of the founders of the math, science, and technology magnet program, Mr. Hurt has touched and improved the lives of so many throughout his years of dedicated service to our community.

Recently, Mr. Hurt was honored as Middle School Teacher of the Year for Fayette County. It is obvious that Mr. Hurt has worked hard to produce a positive change. His goal to ensure that middle school students have the opportunity to develop and hone their technological skills has been realized, as countless students are equipped to handle our increasingly technological society by attending the school he helped to develop.

It is a pleasure to recognize Hobert Hurt on the House floor today for his superior work in the field of education. As Middle School Teacher of the Year, our community salutes Mr. Hurt for his many years of dedicated teaching.

SUDAN'S POLICIES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. WOLF. Mr. Speaker, today I express my profound disappointment with the Clinton Administration's policies toward Sudan. To be sure, there are many good people who have tried to implement worthy and thoughtful policies regarding Sudan during the tenure of this Administration. The problem with this Administration's Sudan policy, is that more often than not, the voices that should have been heard, have not carried the day.

I have been to Sudan three times since 1989 and have seen the conditions on the ground first-hand.

Since 1983, the government of Sudan has been waging a brutal war against factions in the south who are fighting for self-determination and religious freedom. Most people have died in Sudan than in Kosovo, Bosnia, Somalia and Rwanda combined with the civil war resulting in over 2 million deaths. Most of the dead are civilians—women and children—who died from starvation and disease that has resulted from the dislocation caused by war.

The government of Sudan routinely attacks civilian targets—such as hospitals, churches and feeding centers—and uses aerial bombings to intimidate and kill the southern population. In the past few months, several hospitals and schools in the south have been bombed by the government, killing numerous innocent men, women, and children.

I wrote Secretary of State Madeleine Albright and National Security Adviser Samuel Berger on March 22, 2000, about the Government of Sudan's intentional bombings of a hospital in the south, enclosing an op-ed piece from the Wall Street Journal by Franklin Graham. Franklin Graham is the head of a non-governmental organization called Samaritan's Purse that operates a hospital in Southern Sudan that has been repeatedly bombed by the Government of Sudan. Mr. Graham wrote:

''The governments of the world could help the southern Sudanese through international trade sanctions, military action, and public condemnation. Despite empty, halfhearted rebukes, the international community has taken no meaningful action to condemn the Sudanese government. . . .''

But that wasn't the first time I've written this Administration about Sudan. Because of the millions of deaths and because of the atrocities that have been committed by the government of Sudan, soon after this Administration took office in 1993, I wrote to President Clinton asking him to appoint a special envoy to Sudan, explaining that:

''The appointment of a special envoy is especially timely since the State Department has recently declassified powerful new information detailing widespread human rights atrocities being committed by the military of Sudan. Most appalling among these abuses is the Sudanese government's practice of kidnapping and slavery of women and children from southern Sudan.''

The Administration did appoint a special envoy in May 1994, but Melissa Wells held the position for only a short time. After some time had elapsed without a special envoy for Sudan, I wrote the Administration at least seven more times about the importance of filling

To date, though, their efforts have not led to a peace. To bring about peace, the situation in Sudan needs the attention of and investment of time from the President, comparable to the efforts President Clinton has made in Northern Ireland and in the Middle East. While President Clinton has remained silent, hundreds of thousands of people have died.

This Administration knows that slavery, the selling of its own people, is in the government of Sudan's portfolio. The Sudanese government has done nothing to stop the slavery. Slave traders from the north sweep down into southern villages recently destabilized by fighting, and kidnap women and children who are then sold for use as domestic servants, concubines or other purposes. This is real-life chattel slavery. It exists today—at the threshold of the 21st century.

A de-classified U.S. State Department cable describes this administration's knowledge of this slavery since at least 1993. This cable, dated April 1993, which I include for the RECORD, states:

''Credible sources say GOS [Government of Sudan] forces, especially in the PDF, routinely steal women and children in the Bahr El Ghazal. Some women and girls are kept as wives; the others are shipped north where they perform forced labor on Kordofan farms or are exported, notably to Libya. Many Dinka are reported to be performing forced labor in the areas of Meiram and Abyei. Others are said to be on farms throughout Kordofan.

''There are also credible reports of kidnappings in Kordofan. In March 1993 hundreds of Nuer displaced reached northern Kordofan, saying that Arab militias between Abyei and Muglad had taken children by force, killing the adults who resisted. The town of Hamarat el Sheikh, northwest of Sodiri in north Kordofan, is reported to be a transit point for Dinka and Nuba children who are then trucked to Libya.''

I wrote President Clinton about slavery in Sudan on September 9, 1997, saying, ''Mr. President, women and children are being sold into slavery—real life slavery in Sudan . . . And the United States response? Talk tough but take no action.''

On December 3, 1997, I again wrote President Clinton about this atrocity, saying that America has to stand up to the government in Khartoum.

The government of Sudan has been on the U.S. State Department's list of countries that sponsor terrorism since 1993. One can fly into Khartoum and find terrorist groups fully functioning there. The government of Sudan was implicated in the assassination attempt on Egyptian President Hosni Mubarak.

On September 9, 1997, after hearing that the Administration was considering re-staffing the U.S. Embassy in Sudan, I wrote to President Clinton, reminding him that,

''there has been absolutely no progress on terrorism, human rights or religious persecution . . . The government [of Sudan] is harboring terrorists and has done nothing to deal with this issue. You say you are tough on terrorism. What kind of signal does this send. . . . Actions like these further erode my confidence in the administration's true willingness to stand up for human rights and against terrorism. It's time to do more than talk.''

It has been widely reported from numerous sources that the war is estimated to cost the government of Sudan $1 million a day. This Administration's failure to prevent the

On September 30, 1999, I wrote Arthur Levitt, chairman of the Securities and Exchange Commission, that:

''Oil revenue will . . . allow the government of Sudan to buy still more weapons. The government of Sudan has announced publicly that it will use the oil revenue to increase the momentum and lethality of the war . . . Allowing the CNPC to raise capital in the U.S. would exacerbate the already tragic situation in Sudan. It would also make it easier for Americans to invest, perhaps unknowingly, in a company that is propping up a regime engaged in slavery, genocide and terrorism . . . .''

On November 4, 1999, I voiced similar concern about the proposed listing of CNPC/PetroChina to Secretary of the Treasury Lawrence Summers and Secretary of State Madeleine Albright urging her to do what she could to prevent the listing of CNPC/PetroChina on the NYSE. This Administration, though refused to prevent PetroChina's listing on the NYSE.

Just recently, the government of Sudan's repeated bombings of international relief agencies operating under the umbrella of the United Nations forced the shut down of most food aid delivery in Southern Sudan. These bombings have been reported in numerous press accounts.

On this Administration's watch, particularly President Clinton's silence and refusal to speak out and to take the initiative in promoting a just peace in the Sudan, there have been more killings and more deaths in southern Sudan.

This Administration's record on preventing the importation of gum arabic from Sudan has been spotty. I wrote twelve letters to the Administration in which I asked the Administration to maintain the gum arabic sanctions against Sudan.

While an embargo on gum arabic has been in effect by Executive Order since November 1997, just this year the Administration allowed an exemption of a shipment of gum arabic from Sudan. Now, the Administration seems to be giving Lukewarm opposition to lifting this embargo in response to a technical corrections trade bill that included a section that would lift the embargo on gum arabic from Sudan. This language was buried in H.R. 4868 (the ''Miscellaneous Trade and Technical Corrections Act 2000'') and very few Members of Congress were aware of its presence in the bill. I think the verdict is still out on whether this Administration will uphold the embargo on gum arabic from Sudan, but I received a response to my August 4, 2000 letter from Ambassador Holbrooke, in which Ambassador Holbrooke wrote:

''The Administration agrees with you that the sanctions on the government of Sudan has not made progress in rectifying the human rights abuses for which those sanctions were imposed, and we should not consider permanently lifting sanctions until satisfactory progress has been made.''

Recently I have seen a glimmer of hope in what appears to be an effort by the Administration to prevent Sudan from becoming a member of the Security Council at the United Nations. Only time will tell if the Administration will be vigorous on this issue and ultimately successful in keeping Sudan off of the U.N. Security Council.

Now there are troubling reports of a Chinese military presence bolstering the government of Sudan's grip on the oil fields, yet the Clinton Administration has done nothing to slow or prevent China's large role in the country of Sudan. An article from United Press International dated August 30 describes the varied reports on Chinese troop levels in Sudan and outlines the likely Chinese military presence in Sudan:

''. . . [a State Department] official conceded that China has a substantial economic interest and a large military sales program in Sudan and that Chinese troops have been deployed in the north African country . . . an intelligence official following the issue said classified reports gathered from spies indicate China may indeed be planning to deploy large numbers of troops to Sudan . . .''

I wrote President Clinton on February 15, 2000, about how I think history will judge his record particularly on Sudan, unless he shows significantly more interest in his remaining months in office, saying,

''Many people have contacted you over the years as President about the long ongoing tragedy in Sudan. You have done little or nothing in response to the killing and slavery that has ended or devastated millions of lives, women and children included . . . I implore you to use some of your remaining time and energy on the critical plight of the people of Sudan and especially those in the south who are daily subject to bombing, starvation, sickness, relocation, slavery, and death. History will not judge you well on this because you have not even personally shown any interest in this.''

The legacy of this Administration will not be that it took decisive and bold action to stop atrocities in Africa and in other parts of the world. When history is written about this Administration, I think historians will say that they failed to act when action would have made a difference and saved hundreds of thousands of lives. Even for something as benign and universal as promoting religious freedom, this Administration did little, to nothing, to outright opposition to the International Religious Freedom Act of 1998.

President Clinton has traveled more than almost any other President. He has had first hand experiences throughout Africa, more experience and actual time in Africa than any other President. But all of his time only amounted to photo opportunities and handshakes, amounting to substance-free public relations.

Because of his time in Africa, he should have and could have done so much more. The death, suffering, and destruction that has occurred over the past eight years needed more than a touch down by Air Force One.

CONFERENCE REPORT ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 28, 2000

Mr. DINGELL. Mr. Speaker, I cannot support the Energy and Water Appropriations conference report.

As Ranking Member of the Commerce Committee and its former Chairman, I have generally opposed attempts to legislate on these bills, regardless of the substance of the matter or the party affiliation of the Member proposing such provisions. However, the continued failure of this Congress to reauthorize the President's authority to operate the Strategic Petroleum Reserve prompted me to reluctantly support the efforts of House Appropriations Democrats to attach a simple reauthorization of the Reserve to the Energy and Water Appropriations bill. I also did not object to bipartisan efforts to attach legislative language providing the President the means to establish and operate a northeast heating oil reserve. Both these legislative priorities, which had passed the House overwhelmingly with the support of the Commerce Committee had been and continue to be held up in the Senate, so we attached these provisions to the appropriations bill as a last attempt to ensure their enactment into law.

But the Republican conferees dropped these provisions that were strongly supported by the American people and, so it seemed, by not only Democrats, but also Republicans in the House of Representatives.

Nonetheless, these same conferees found a way to retain a legislative provision in the bill that benefitted a few companies in the nuclear industry. Chairman BLILEY and I along with Representative TAUZIN, BILIRAKIS, and OXLEY sent a letter to the Speaker objecting to the inclusion of this and other provisions relating to reauthorization of the Nuclear Regulatory Commission (NRC) in the conference report. Currently, there are not one, but two bills pending before the House that would address this issue, and our letter indicated our support for having the House consider immediately NRC reauthorization under regular order. There was no reason to avoid regular order and there is no excuse for retaining a provision that benefits one special interest while dropping provisions like the petroleum reserve authorization which benefits the whole nation.

Finally, I would like to point to three provisions in this bill that amend the Department of Energy Organization Act, a statute primarily within the jurisdiction of the Commerce Committee, in order to make changes relating to the Nuclear National Security Administration (NNSA). These three provisions were also included in the Senate's version of the Defense Authorization Act and were part of the reason, Chairman BLILEY, Representative BARTON, and I were appointed as conferees on that legislation. In good faith we negotiated a compromise with our colleagues on both the House and Senate Armed Services Committees that saw two of these provisions, relating to ''dual-hatting'' of DOE employees and the term of the first NNSA Administrator, remain in

the legislation. The third provision, circumscribing the Secretary of Energy's longstanding authority to reorganize parts of the Department, was dropped by mutual consent. However, this legislation does not honor the agreements reached by the committees of jurisdiction: it contains all three of the provisions that were the subject of the Defense bill negotiations. If those in charge of this institution can neither honor agreements in good faith, nor ensure that legislation is considered under regular order and rules, then it will be impossible to do the work of the American people.

For all these reasons, I oppose the conference report.

HONORING DAN AGUILAR

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, it is with great honor that I rise to pay tribute to a true American hero, Dan Aguilar of Vail, Colorado. Dan has been awarded the Silver Plaque International Alpine Solidarity Award, given to individuals who have risked their lives to save others in dangerous mountain accidents. Dan is a well-known mountain rescuer who deserves both the admiration and praise of this body.

Dan grew up in Dallas, Texas, where he resided for 18 years. After graduating from Crozier Tech High School, he served in the US Army in Vietnam for four years. Upon returning to the United States, he moved to Vail where he began his now renowned career in mountain rescue. Dan's love for the mountains has seen him travel the globe and conquer the most dangerous alpine trails in the world. What's more, his mountain climbing adventures have taken him to Mexico, Ecuador, Alaska and Argentina. But it is not his accomplishments as a climber or mountain biker that have earned him this prestigious award, but rather it is his courage as a mountain rescuer.

In the early 1980's, Dan suffered the crushing loss of a dear friend that completely changed his view of climbing. For some time he was unable to even fathom climbing again, but this experience eventually drove him to the line of work that has made him a living legend. He has been a member of the Vail Mountain Rescue Group in the nearly two decades since.

For Dan, saving the life of another seems to come naturally. In fact, this most recent award is not the first time he has received recognition for his devotion to helping others. Last year he was awarded the Mountain Rescue Association's Outstanding Individual Service Award. In all, it is estimated that Dan has been involved in around 500 different rescue missions, since his involvement with Mountain Rescue. His advanced rescue skills have also been utilized in rescues on Mt. Rainier in Washington, the Premiers in Russia, and the Aconcogua in South America.

Dan's dedication and incredible compassion to help others have earned him a legendary reputation and the admiration of people around the world. According to Tim Cochrane, a fellow member of Mountain Rescue, in a recent article in The Vail Daily by Tamara Miller: ''Aguilar is the first volunteer rescuer in North America to win the award.''

Mr. Speaker, on behalf of the State of Colorado and the US Congress I congratulate Dan on this distinguished and well-deserved award. He is a great American who deserves our gratitude and praise.

Dan, your community, State, and Nation are proud of you!

HONORING REBECCA WOOD AS THE HIGH SCHOOL TEACHER OF THE YEAR FOR FAYETTE COUNTY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. FLETCHER. Mr. Speaker, I am honored to recognize an outstanding educator in the Central Kentucky community. As a mathematics teacher at Tates Creek High School, Rebecca Wood has inspired countless students to succeed through her patience and dedication.

Recently, Ms. Wood was named High School Teacher of the Year for Fayette County. Rebecca Wood has worked hard to equip her students with the math skills they will need for both daily living and higher education. For the past twenty-five years, Ms. Wood has been a leader throughout the educational community. She has served with the local and national Councils of Math Teachers and is continually working to remain on the cutting edge of math education.

Today, I join our community in recognizing an outstanding teacher who has given years of dedicated teaching to the youth of Central Kentucky. It is a pleasure to recognize Ms. Wood on the House floor today for her superior work in education which has earned her the Teacher of the Year Award.

TRIBUTE TO BOAZ SIEGEL

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. LEVIN. Mr. Speaker, on October 20, 2000, Pipefitters Local 636 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry in southeastern Michigan will dedicate their new hall in honor of a distinguished attorney and its longtime friend, Boaz Siegel.

It represents a fitting testament to the decades of service of Boaz Siegel to the thousands of rank and file members of Pipefitters Local 636 and their families. As has been true in a number of vital areas within the construction industry in Michigan, Boaz Siegel was a pioneer in crafting, on a cooperative basis with labor and management, a series of trust funds covering the health, pension, vacation and employment security needs of countless numbers of hardworking families. He has faithfully helped these funds to grow and prosper during a remarkable nearly fifty years as legal counsel and adviser.

During three of these decades, Boaz Siegel was a professor at the law school of Wayne State University, providing stimulating and rigorous teaching and training in the fields of labor, administrative and contract law to thousands of students who have become vital links in the legal profession throughout Michigan and the nation.

His intellectual brilliance combined with high integrity and the ability to see various sides of an argument led to service in many fields of public service. He used his insights as a lawyer who had represented key sectors of the labor movement to help fashion, with other labor and management appointees of Governor George Romney on a Special Commission, a report leading to long overdue reforms of the workers' compensation laws of Michigan in the mid-sixties. Earlier he had served on the Wayne County Board of Supervisors and was appointed by the U.S. Secretary of Labor as a public member of the National Council on Employee Welfare and Pension Benefit Plans.

I fully hope, as one who benefitted from Boaz Siegel's professional talents and rigor in law practice and as a long-time friend of his and his wife Bess, to be present at the building dedication on October 20. It will be a real privilege and pleasure for all of us assembled for this happy and worthy event for a truly worthy human being.

RONALD McDONALD HOUSE CHARITIES—TOP-RANKED CORPORATE CITIZEN FOR THE HISPANIC COMMUNITY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. REYES. Mr. Speaker, I rise to recognize the Ronald McDonald House Charities (RMHC), McDonald's owner/operators, and the McDonald's Hispanic Operators Association for their commitment to Hispanic American higher education. Their generous ongoing support of the RMHC/Hispanic American Commitment to Educational Resources Scholarship Program (HACER) has just earned them an award from the Hispanic Scholarship Fund as one of the ''top ten . . . corporate citizens for the Hispanic community.''

The RMHC/(HACER) provides scholarship assistance to promising Hispanic American college-bound students. Since its establishment in 1985, it has awarded over $7 million in scholarships to approximately 7,000 Hispanic American high school seniors. It is the largest high school-to-college program for Hispanic students in the country.

This pioneering diversity effort was initiated by Richard Castro, a McDonald's owner/operator in my home district, El Paso, Texas. RMHC/HACER now comprises 33 local programs, including a thriving El Paso program. All are jointly supported by RMHC, its local affiliates, and McDonald's owner/operators.

RMHC/HACER addresses the very real need to increase the Hispanic high school graduation rate and Hispanic participation in our colleges and universities. Hispanic youth drop out of high school at a higher rate than any other major RMHC/population group. They also lag far behind their peers in college attendance and graduation. HACER provides Hispanic youth an incentive and a means to change these trends.

RMHC/HACER is one of many ways that Ronald McDonald House Charities, with support from the McDonald's system, fosters and

supports the educational aspirations of America's youth. The Hispanic Scholarship Fund award is a fitting recognition of an organization that truly gives back to the community and our nation.

HONORING MORLEY BALLANTINE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize a woman who has exemplified extraordinary dedication to philanthropic work, my friend, Morley C. Ballantine who currently serves as editor and chairman of the Durango Herald. Recently, Morley was awarded the high honor of being named Colorado's ''Outstanding Philanthropist'' by the Governor's Commission on National Community Service and the Association for Healthcare Philanthropy, in recognition of her support for a whole array of charitable and humanitarian based institutions. Morley's robust efforts to make her community, state and nation a better place make her more than deserving of this distinction.

Morley was chosen for the prestigious award out of over 100 nominations. Morley was nominated by four different individuals for this distinguished honor and was selected as the winner by a committee of 50.

The reasons Morley was chosen are many. Over the years, Morley has not only consistently given of her financial resources, but she has also actively participated in a host of activities geared toward helping her community and fellow man. In 1987, she helped start the Women's Resource Center in Durango, and is also a founding member of the Colorado Women's Foundation. In addition, she served on the state commission on the Status of Women, local and state League of Women's Voters' boards, local arts and library boards, the state Anti-Discrimination Commission, the Colorado Land Use Commission and the state National Historic Preservation.

This, friends and colleagues, is a truly remarkable legacy of service. It's a legacy that Morley should be proud of.

Morley's dedication and devotion to philanthropic causes both great and small is truly worthy of our praise. Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to thank Morley for her incredible efforts to benefit her community, and congratulate her on the much deserved award.

We are proud of Morley and grateful for her service.

COMMENDING THE BOYS AND GIRLS CLUB OF PITTSFIELD

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. OLVER. Mr. Speaker, it gives me great pleasure to commend the Boys and Girls Club of Pittsfield on its 100th Anniversary. It is one of only 13 Boys and Girls clubs in the country to reach its 100th Anniversary, and over the years it has provided an invaluable service to thousands of boys and girls throughout the region.

The national Boys and Girls Club movement was born in 1860, when a group of women in Hartford decided to provide local boys with an alternative to roaming the streets. In 1906, several Boys Clubs decided to affiliate. The Federated Boys Clubs in Boston was formed with 53 member organizations. In 1956, Boys Clubs of America received a Congressional Charter. In 1990, the name was changed to the Boys and Girls Club of America. The Boys' and Girls' Club of Pittsfield was formed in the early days of the organization and remains special and unique in our community.

The Pittsfield facility was established on June 28, 1900 as a club for boys in Pittsfield with an $800 donation by local philanthropist Zenas Crane. It soon embarked upon a tradition of service and community involvement catering to several generations of Pittsfield youth. With an initial membership of 320, the club held its first meetings on the second floor of the Renne Block on Renne Avenue with the intent of preventing idleness and instilling healthy work and home values in its membership. Providing an array of recreational and educational opportunities for countless youth under the auspices of its first superintendent, Prentice Jordan, the club soon expanded beyond its original quarters. In 1906, when its membership grew to over 800, Crane funded a move to a more specious residence on Melville Street. Currently, the membership of the club exceeds 5000, making it the largest single-unit organization affiliated with the Boys and Girls Club of America.

The Boys and Girls Club of Pittsfield continues to inspire and enable thousands of young people to realize their full potential as productive, responsible and caring citizens. I am proud to stand and honor them today and appreciate the opportunity to recognize them before the United States Congress.

RECOGNIZING DR. FRANK S. FOLK—68 YEARS YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Dr. Frank S. Folk, a resident of Brooklyn, and to celebrate his 68th birthday. I ask my colleagues assembled here today to please join me in acknowledging Dr. Folk's remarkable life.

On this day, October 2nd, in 1932, Frank Folk was born in Vonville, South Carolina. As a young boy, Frank possessed excellence, greatness, the favor of God, love and honor, the law of kindness in tongue, morality and character. As a personal friend of Dr. Folk, I know that I can speak for his many friends and neighbors in commending him on his many years practicing medicine in Brooklyn. While Dr. Folk's professional accomplishments are too numerous to mention, I do want to point out that he has served on the Board of Directors of the New York City Health and Hospital Corporation and on Kingsbrook Hospital Executive Board—two of New York's most important health organizations.

As Chair of my Health Committee since 1991, Dr. Folk has demonstrated his commitment to working to improve the health and well-being of all members of our community. He also has been honored by the American Medical Society, which has bestowed the Hektoen Gold Medal and the Hektoen Bronze Medal upon Dr. Folk. As further evidence of his accomplishments, I need only mention that Dr. Folk is certified by the American Board of Surgery, the New York State Medical Board, and the National Board of Medical Examiners. Finally, Dr. Folk serves his community and his Nation as a Colonel with the New York State Army National Guard.

Mr. Speaker, my good friend, Dr. Frank Folk, is more than worthy of receiving our birthday wishes today, and I hope that all of my colleagues will join me today in honoring this truly remarkable man.

ALLIANCE FOR JUSTICE AND PHYSICIANS FOR SOCIAL RESPONSIBILITY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Ms. SCHAKOWSKY. Mr. Speaker, today I would like to recognize and congratulate Alliance for Justice and Physicians for Social Responsibility and the more than 200 organizations, including the Illinois Council Against Handgun Violence, North Suburban Chicago Million Mom March, and the Interfaith Initiative Against Gun Violence for their leadership of the First Monday 2000: Unite to End Gun Violence campaign. In my district, I'd like to recognize Northwestern University, the University of Illinois at Chicago, John Marshall Law and Chicago Kent College of Law for their hosting of First Monday 2000 events.

Today, in more than 350 communities across this nation, students, parents, doctors, lawyers, social workers, nurses, civic leaders, community members and elected officials will rally support for the passage of common sense gun safety legislation. These activities will include the showing of a short documentary film, ''America: Up in Arms'' by award-winning filmmakers Liz Garbus and Rory Kennedy. The film is a powerful presentation of the epidemic of gun violence and how it has irrevocably changed the lives of three families in America.

Gun violence is all around us. We see it every day on our television screens and read about it in our newspapers. Rarely does a night go by without our local news reporting another shooting or the morning newspapers writing about the latest victims of gun violence. Even in my hometown of Evanston, we experienced three shootings in one night. It doesn't matter if you're in Chicago or small town USA, guns are everywhere—in the schools, on the trains and in the workplace. Numbers don't lie—over 30,000 people, including 4,000 children, die each year from gun violence. We are all affected and we must all take responsibility for ensuring that our children and our communities are safe from gun violence.

With First Monday, we will add to our numbers and mobilize young men and women in communities across the country to bring even more energy to our cause. I am proud to be a part of this effort. We are energized, empowered and ready and with this unprecedented campaign we will succeed at ending gun violence.

HONORING MIKE CHESNICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, it is with immense sadness that I take this moment to honor the remarkable life of Mike Chesnick. For two decades, Mike served the community of Grand Junction, Colorado with valor and distinction, retiring as Chief of Police in 1974. He was a role model for his community and an example of what a police officer can and should strive to be. As family, friends, and fellow officers remember this great American, I would like to take this time to honor this truly remarkable human being.

Chief Chesnick began his distinguished career of service to America when he joined the 10th Mountain Division in 1946, where he served in Italy and Austria during WWII. After returning a proud veteran and serving his county well, he began his illustrious career in law enforcement. In 1954 he joined the Grand Junction Police Department as a patrolman. His remarkable intellect and outstanding leadership abilities rapidly shot him up the ranks of the department. In 1961, he was promoted to Sergeant and in 1966 he began his role as Chief.

Chief Chesnick's leadership was well respected and inspired other officers under his leadership to serve with dedication, dignity and integrity. Beyond his widely regarded efforts as a police officer, Mike also worked with a number of other community based organizations, including the local Elk's Lodge where he was a lifetime member.

Chief Chesnick served his community, State, and Nation admirably and he his service at home and abroad was an inspiration to us all. Mr. Speaker, as a former police officer, I ask that we take this time to honor an individual that has set the standard for excellence as a member of the law enforcement community. On behalf of the State of Colorado and the US Congress, I would like to thank Chief Chesnick for his immeasurable service to his community. His leadership and compassion went far beyond the line of duty and his memory will long live in the hearts of all that knew him.

Mike Chesnick will be greatly missed.

RECOGNITION OF JAMES G. MILLS, NEWLY ELECTED CHAIRMAN OF THE BOARD FOR THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. SOUDER. Mr. Speaker, today I would like to reorganize James G. Mills of Fort Wayne, Indiana in my district for his recent election as chairman of the board for the National Association of Federal Credit Unions. Mr. Mills was elected on June 17, 2000 and officially took over in late July.

In 1985, Mr. Mills joined Three Rivers Federal Credit Union as president and chief executive officer. Three Rivers provides important options for my constituents and as such has been an asset to Northeast Indiana. Between 1985 and 1995, the number of branches increased from one to eight with the umber of membership soared from 15,000 to 65,000 plus.

Along the way, Mr. Mills worked to promote the growth of the community as well as the Credit Union. In 1995, Three Rivers FCU was able to secure Indiana's first Community Development Credit Union Expansion Charter to open the filed of membership and provide financial services to less served parts of the community. This innovation was the result of his near two-years of work with local city officials, the economic development offices of Fort Wayne, and the National Credit Union Administration. Most recently, Mr. Mills facilitate an initiative in the areas of inner city financial literacy training for an under-served group that also happens to be a new part of the FCU's field of membership. I strongly commend him for his efforts to empower those who are less economically advantaged through knowledge and the hroadening of financial services.

In the role of Chairman of NAFCU, Mr. Mills will be lending the trade association that represent federal credit unions. I look forward to working with him and America's credit unions as we work to benefit families and communities, and congratulate him on this national recognition.

IN HONOR OF COLETTE KOVE NEWLY ELECTED SUPREME PRESIDENT OF THE WOMEN'S AUXILIARY TO THE MILITARY ORDER OF THE COOTIE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. BONIOR. Mr. Speaker, today I rise to recognize the accomplishments of one of my district's favorite daughters. Colette Kove is a graduate of Utica High School, wife of William Kove, mother of five, grandmother of thirteen, and great-grandmother of six. On Saturday, September 30th, her friends and family gathered to honor her dedication to our veterans—especially her leadership in the Women's Auxiliary of the VFW and the Military Order of the Cootie (MOCA).

Colette first joined the Ladies Auxiliary of the VFW in 1960, but left to spend the next 18 years traveling with her children in the Drum and Bugle Corps. She returned in 1980 to the Ladies Auxiliary VFW Post #1146 in St. Clair Shores. She took the group by storm serving as Auxiliary President, County Council President, 5th District President, and has served as Secretary of the Auxiliary for the past 18 years.

In 1981, she joined the Womens' Auxiliary to the Military Order of the Cootie #35. Since then, she has held the position of President ten times and has served in all offices in the Grand of Michigan (state) MOCA. In 1995, at the MCOA National Convention in Arizona, Colette was elected Supreme Guard, and has served all offices leading to President. Just this past August, she was elected to that highest position and today serves as the Supreme President of the MOCA for the entire United States.

I am honored to be asked to participate in this program. Supreme President Kove has worked hard all her life for the benefit of others. As a small business owner, volunteer at the John Dingel VA Medical Center in Detroit and nursing home visitor, she has always been there to service the needs of others. Her rise through the ranks of both the Ladies Auxiliary of the VFW and the MOCA shows her remarkable sense of dedication and the great amount of respect others have for her.

Please join me in congratulating Colette Kove on her election as Supreme President of the Women's Auxiliary to the Military Order of the Cootie.

THOMASENA AND EUGENE GRIGSBY ART GALLERY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. CLAY. Mr. Speaker, I wish to take this opportunity to express my sincerest congratulations to Dr. and Mrs. J. Eugene Grigsby on the occasion of the dedication of the Thomasena and Eugene Grigsby Art Gallery in Phoenix, Arizona.

This is an honor which Thomasena and Eugene richly deserve for they have been lifelong supporters and contributors to the field of art. Together they have made innumerable contributions to the arts community. I am pleased that under the sponsorship of the George Washington Carver Museum Dr. Grigsby's first art studio in Phoenix, Arizona has been dedicated in their honor. The Grigsby Art Gallery will serve as a permanent facility for the exhibit of creative works, by present and future artists.

Among their many projects, the Grigsbys helped to establish the Hewitt collection of African American art. I recently had the opportunity to view this collection on exhibit in St. Louis. It is a marvelous collection which I highly recommend and which I was happy to find includes some of Gene Grigsby's own works of art.

I commend Dr. and Mrs. Grigsby for their many years of devotion to artistic endeavors. Their contributions will benefit and inspire future generations of artists. My heartfelt best wishes to Gene and Tommy on this momentous occasion.

HONORING CONGRESSMAN MIKE McKEVITT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I rise to honor the life of the Honorable James D. ''Mike'' McKevitt. Congressman McKevitt recently passed away after a sudden heart attack at the age of 71. His devotion to helping others was remarkable and he will be greatly missed. As family, friends, and colleagues mourn the loss of this remarkable statesman, I would like to pay honor to his service to this great nation.

Congressman McKevitt spent his youth in Spokane, Washington, before deciding to attend the University of Idaho. When it came

time for young Americans to serve their nation in battle, Congressman McKevitt did just that, serving admirably and with distinction in the Korean War with the United States Air Force. After graduating from the University of Denver with a Law Degree, Congressman McKevitt began his distinguished political career as Denver District Attorney in 1967. He went on to win reelection the following year and served two more years before running for Congress. In 1970 he was elected to represent the 1st Congressional District of Colorado in the United States House of Representatives. Although Congressman McKevitt only served one term in Congress, his career in public service was far from over.

In 1973, he became Assistant Attorney General for Legislative Affairs, under President Nixon. He soon moved on to becoming Council to the Energy Policy Office in the White House. After serving his country in these important capacities, he moved on to the private sector where he became head of the Washington Office of the National Federation of Independent Business, where he worked for over a decade.

While serving our country in many different ways, Congressman McKevitt experienced a number of successes. But his greatest accomplishment is one that he held very dear to his heart: the Korean War Memorial. Congressman McKevitt is credited with being one of the driving forces behind getting the legislation passed in order for the memorial to be constructed. His devotion to this project was so evident that it soon caught the attention of President Reagan, who acted quickly and appointed the Congressman to a position on the Advisory Board.

Congressman McKevitt served his community, State and Country admirably. His dedication and devotion to serving his fellow citizens was truly remarkable. He was a truly great American and his many accomplishments will live on in the hearts of all who knew him.

Mr. Speaker, on behalf of the State of Colorado and the US Congress, I ask that we now pay tribute to this remarkable human being. He may be gone, but his spirit of service and sacrifice will live on for years to come.

THE UNITED/US AIRWAYS MERGER: A MATTER OF SURVIVAL

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. SHUSTER. Mr. Speaker, America's aviation system has been hurtling toward gridlock and potential catastrophes in the skies. Flight delays, cancellations, high fares, and complaints about customer service have been all too common. The problem is an aviation system that has not expanded to keep up with demand.

Fortunately, help is on the way. Taking effect in October, the recently enacted Aviation Investment and Reform Act for the 21st Century (AIR 21) will provide over the next 3 years $40 billion primarily from the Aviation Trust Fund for new runways, gates, and terminals to promote expanded competition and meet the demands of the next century; it will also accelerate efforts to modernize our antiquated air traffic control system. The result will be safer travel, lower fares, and better service. But these changes won't come overnight. The problem caused by underinvestment have been festering for decades and will take years to fix. In fact, air service may get worse before it gets better.

It is against this background of an overburdened aviation system that the proposed merger of United and US Airways would appear to some as further hurting consumers. However, the opposite is true. It is the status quo that will hurt consumers. And the merger will help them, not hurt them. Let me explain why.

In June, the U.S. House of Representatives Committee on Transportation and Infrastructure, which I chair, held 2 days of hearings on the proposed merger. We heard from the chairmen of United, US Airways, and the new D.C. Air as well as the U.S. Departments of Justice and Transportation, plus several opponents of the merger. These hearings and our subsequent review have yielded much information.

Should this merger not go forward, consumers will almost certainly suffer under the status quo. US Airways is headed for financial trouble in the next few years. It will be unable to support its current system. There will be no alternative but to downsize. Retrenchment probably won't be enough. Bankruptcy is the most likely outcome, with its devastating impact on consumers and service.

Consider these facts: US Airways' labor cost of 14 cents per available seat mile is 40 percent higher than the 9.0 to 9.5 cent cost for other major carriers and almost double the 7.5 cent cost of low-cost carriers like Southwest. At a time when other airlines have been making record profits, US Airways has been hemorrhaging losses. Prior to the second quarter of this year, it lost about $370 million over a 9-month period. During the 1990's, US Airways has lost almost $1 billion. All of the other mid-sized, mature-cost carriers like US Airways have either gone out of business (e.g., Eastern, Pan Am) or have gone through multiple bankruptcies (e.g., Continental, TWA).

US Airways has a growing list of unprofitable routes and is losing passengers at its hubs. During the latest calendar year, only 46 percent of its routes were profitable, down from 69 percent and 62 percent in the two previous years. And while other airline hubs were growing, US Airways' three hubs in Pittsburgh, Philadelphia, and Charlotte were among only seven major airports that lost passengers in 1999.

Should the merger be approved, on the other hand, consumers will likely realize significant benefits. First, consumers would have for the first time single-carrier access to all corners of the country. Airline service will be improved by combining United's primarily east-west flight network with US Airway's north-south network. United also plans to improve service by offering 64 new non-stop domestic flights and 29 non-stop international flights a day, as well as by creating 560 new city-to-city routes. And their frequent flyer programs will be merged. United is committed to doing all of this while continuing to serve all cities currently served and capping fares for the next two years.

Second, smaller cities, particularly those served by US Airways, will benefit from the greater international access they will receive through United, improving their opportunities to compete for business and tourism overseas. These communities will benefit from the new passenger demand that will be stimulated by the combined network. For example, United has projected that demand for service to Pittsburgh will increase by 33 percent from Allentown, 10 percent from Harrisburg, 16 percent from Albany, and 10 percent from Syracuse. This increased yield will make short haul routes to smaller communities more profitable and easier to continue.

Third, with the merger, a new low-cost carrier will be established, based in the Washington, DC, area. This carrier will receive slots at Ronald Reagan National Airport, and be able to compete against United and the other carriers.

That is why the proposed United/US Airways merger is so important. In the best case, the merger will provide tremendous opportunities for growth and improved service. But even if not all of these opportunities materialize, consumers will still be far better off than they otherwise would have been under a retrenched or bankrupt US Airways.

One final point: United's recent labor woes should not be a factor in evaluating the merger. These problems—similar to problems experienced by American and Continental in the past—are not unusual in the aviation industry and are transitory in nature.

In conclusion, we need to be realistic about the prospects for US Airways. Consumers will be better off hitching their wagon to a big and strong United Airlines than a financially endangered US Airways.

ALTERNATIVES TO OIL SHOULD BE PURSUED

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the September 24, 2000, Lincoln Journal Star. The editorial expresses concern about some of the proposals which have been offered to address rising oil costs. As the editorial emphasizes, the U.S. should encourage alternatives to oil such as wind energy and other renewable sources. Clearly, ethanol provides an attractive alternative which helps the rural economy while helping to meet energy needs.

[From the Lincoln Journal Star, Sept. 24, 2000]

OIL PRICES GENERATING BAD IDEAS

More than a quarter century has passed since Americans waited in lines to buy high priced gasoline.

There was plenty to time to find new energy efficiencies and develop diversified energy resources. Now we're paying the price for letting things slide.

You'd think the view of the future should have been a little better from those high seats in gas-guzzling SUV's.

Gas prices have spiked to their highest level in the past 10 years. A barrel of crude has tripled in price to almost $40 in the past two years. American concern might not have reached the emotional levels in Europe, where truckers blocked roads in protest, but it won't take much for panic to spread.

Before oil price hysteria takes away good judgment, a few bad ideas need to be spiked.

Too bad it's already too late to block Vice President Al Gore's proposal to dip into the Strategic Oil Reserve. That should have been recognized immediately as a blatant political ploy to smooth things over until after the election. Even Clinton's own Treasury Secretary Lawrence Summers said using the petroleum reserve would be ''a major and substantial policy mistake.''

As Sen. Chuck Hagel noted in a speech on energy this week, the 570 million gallons in the reserve were set aside for acute disruptions in the oil supply caused by war or other national emergencies.

An election is not a national emergency. Things could get worse quickly. Already Iraq's Saddam Hussein has starting making threatening noises. His hand is on the spigot of 2.3 million barrels of oil a day in the International market.

The motivation to protect fixed-income Americans from surging prices for home heating is understandable, but relief from high winter heating bills should be provided under existing programs to provide assistance based on need. Tapping the petroleum reserve provides price relief to well-to-do Americans who should be able to absorb the price hikes on their own.

Another short-sighted idea pushed in the United States since prices began rising is to drop taxes on gasoline. The problem with that approach is that it would remove the primary source of funding for highway construction. What good is cheaper gas if the roads are falling apart?

Still another bad idea (endorsed by Hagel, we note with dismay) is to permit oil development in the coastal plains of the Arctic Wildlife Refuge. That development, for only an estimated 16 billion barrels of oil, would disrupt caribou calving grounds and migratory patterns that have existed for centuries.

A better approach to high oil prices than jeopardizing fragile environmental areas is to encourage alternatives to fossil fuels. Already available in the market, for example, are BMWs that run on hydrogen. Even in Lincoln consumers can purchase hybrid autos from Honda and Toyota that run on both gasoline and electricity.

Just this week Gov. Mike Johanns pointed out that Nebraska ranks sixth in the nation in terms of wind energy resources. ''We are the Saudi Arabia of wind,'' Johanns boasted. The cost of producing electricity by wind turbine has dropped from 40 cents a kilowatt-hour in 1979 to 4 to 5 per kilowatt-hour.

Retired Iowa farmer Chuck Goodman will earn more than $8,000 this year for the turbines he has on an acre of land. This harvest season, he said, that same acre would earn him only $100 to $200.

Development of a coherent national energy policy is long overdue, as Hagel pointed out in several venues last week. It's important, however, that perspective not be limited to the current obsession with oil prices. Government interference to force cheaper prices is not the answer. The best long-term government response is to work within the framework of the free market to encourage development of new energy sources.

IN HONOR OF CARA L. DETRING, RESIDENT OF MISSOURI AND FIRST WOMAN PRESIDENT OF THE AMERICAN LAND TITLE ASSOCIATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mrs. EMERSON. Mr. Speaker, on behalf of Representative BLUNT, Representative CLAY, Representative DANNER, Representative GEPHARDT, Representative HULSHOF, Representative MCCARTHY, Representative SKELTON, Representative TALENT and me, I submit the following in the CONGRESSIONAL RECORD in honor of a Missourian whose career deserve recognition. Cara L. Detring is about to become the first woman president of the American Land Title Association, and this distinction merits notice in the RECORD for the 106th Congress. The American Land Title Association membership is composed of 2,000 title insurance companies, their agents, independent abstracters and attorneys who search, examine, and insure land titles to protect owners and mortgage lenders against losses from defects in titles. Many of these companies also provide additional real estate information services, such as tax search, flood certification, tax filing, and credit reporting services. These firms and individuals employ nearly 100,000 individuals and operate in every county in he country.

Cara's rise does not surprise me or others who know her. A former municipal judge for the city of Farmington for eight years, Mrs. Detring has never shrunk from leadership. As a second-generation title person and a third generation attorney from both sides of her family, Cara currently is President of Preferred Land Title Company, one of the premier title insurance agencies in Missouri with six offices in Farmington, Cape Girardeau, Potosi, Fredericktown, Desloge, and Perryville. Cara is also chairman of the Board of Directors for Metro Title, Inc., President of Preferred Escrow Company, and she still maintains her private law practice focusing on estate planning and real estate law. Cara Detring is a member of the Legal Education Committee of the Missouri Bar Association and was a director on the Board of Meramec Legal Aid Corporation for eight years. And as an example to women, she was named Woman of the Year, 1990, by Women of Today. In 1991, Cara received the ''Title Person of the Year'' award from the Missouri Land Title Association.

As a title agent, Cara's responsibilities include assurance through diligent searches of the public record that properties consumers buy come with all ownership rights intact; in other words, come with ''clean'' title. When purchasing a home or other real estate, one actually doesn't receive the land itself. What is acquired is ''title'' to the property—which may be limited by rights and claims asserted by others.

Problems with title can limit one's use and enjoyment of real estate, as well as bring financial loss. Title trouble also can threaten the security interest your mortgage lender holds in the property. Protection against hazards of title is available through a unique coverage known as title insurance. Unlike other kinds of insurance that focus on possible future events and charge an annual premium, the insurance is purchased for a one-time payment and is a safeguard against loss arising from hazards and defects already existing in the title. Some examples of instruments that can present concerns include: deeds, wills and trusts that contain improper vesting and incorrect names; outstanding mortgages, judgments and tax liens; and easements or incorrect notary acknowledgments.

In spite of all the expertise and dedication that go into a search and examination, hidden hazards can emerge after completion of a real estate purchase, causing an unpleasant and costly surprise. Some examples include a forged deed that transfers no title to real estate; previously undisclosed heirs with claims against the property; and mistakes in the public records. Title insurance offers financial protection against these and other hidden hazards through negotiation by the title insurer with third parties, payment for defending against an attack on title as insured, and payment of claims.

As President-elect of ALTA, Cara wants to continue to build the educational, legislative and networking success already achieved by the association. In education, Mrs. Detring wants to make more education and information available at their website, www.alta.org. Legislatively, Cara wants to build on the relationships between title professionals and members of Congress and the agencies. And with respect to networking, Cara wants to make sure that the association has relevant meetings, where vendors and customers can interact and find out the latest way to provide high quality, low cost goods and services in the title insurance and settlement services industries. Cara will rely in part on her experience as president of the Missouri Land Title Association from 1987 until 1988.

Not only is Cara president-elect of ALTA, but she also is a member of its Government Affairs Committee, the Finance and Nomination Committees. Cara chairs the Committee on Committees and the Planning Committee. For eight years Cara chaired ALTA's Education Committee.

Ms. Detring is a regular speaker and panelist at national and state trade associations, and for 21 years she has served as an instructor at Missouri Land Title Institute (for which she contributed as author of Course I and Course II correspondence courses). Cara is a trustee and member of the Executive Committee for Mineral Area College Foundation, and she instructed Mineral Area College in short courses. Cara's own education included a B.A. in 1972 from the University of Missouri and a J.D. in 1976 from that same school's law school.

Apart from ALTA, Cara is involved in the medical field. She is a trustee on the Board of Trustees of Mineral Area Regional Medical Center. Cara received the Excellence in Governance Award in 1999 from the Missouri Hospital Association. She is a Director of Mineral Area Regional Medical Center Foundation Board, member of the MARMC Home Health Board of Directors, and Chairman of the Board and President of HospiceCare, Inc. She served as chairman of the Board of Presbyterian Children's Services. Cara's deep involvement in a wide variety of endeavors testifies to her spirit of charity. In fact, in 1992, Cara received the Good Neighbor Award given by the Farmington Chamber of Commerce.

Ms. Detring is married to Terry Detring, an accountant, and they have two children ages 23 and 15. They live on a 320 acre farm in Farmington.

I am pleased to submit this statement for the CONGRESSIONAL RECORD, and I wish Ms. Detring good luck during her term as ALTA President and beyond.

HONORING THE 100TH ANNIVERSARY OF FAMILY SERVICES OF MONTGOMERY COUNTY, PENNSYLVANIA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I am pleased to congratulate Family Services of Montgomery County for its century of accomplishment to be celebrated on Tuesday, October 3, 2000. Family Services' mission is to strengthen the quality of life for individuals, families, and our community, by providing preventive intervention and essential support during times of need. Family Services of Montgomery County and all of the wonderful people associated with this fine organization are dedicated to enhancing the quality of life for people in our community through an innovative and comprehensive range of human services.

Family Services reached its present form when three smaller Montgomery County nonprofit organizations merged—Family Service of Pottstown, the Lower Montgomery County Service Society, and the Main Line neighborhood (with the earliest beginning in 1900). Currently they have a central office in Norristown, three major branch offices, and several satellite facilities.

Family Services' formalized programs include: Foster Grandparent Program, Meals on Wheels, Professional Counseling, Project HEARTH (helping elderly adults remain in their homes), Retired Senior Volunteer Program (RSVP), Project HOPE (HIV–AIDS prevention and support services, Families and Schools Together (FAST), Plays for Living, Parent-to-Parent Internet Support Group, Employee Assistance Programs, Student Training, Project Yes, and Safe Kids. The services have also included helping people to access housing, fuel and other material needs, linkage to medicare, identifying peer support systems, and locating resources to prevent future problems.

Throughout the last one hundred years, Family Services and their predecessor organizations have been on the ''cutting edge'' of social services in our community. They have consistently led the way in helping people who are experiencing a crisis in their lives to help themselves.

Family Services continues to provide innovative and timely programs in response to community requests. Examples of recent additions to their services are the ''Parent-to-Parent Internet Support Group,'' ''Project Yes'' in Rolling Hills, ''Safe Kids'' in the Lower Merion area, and the ''New Beginnings'' prison ministry. They have also recently experienced expansion of the ''FAST'' program to the Abington and Methacton School Districts, staffed new locations in Pottstown, Phoenixville, and Royersford with the ''Foster Grandparent'' program, acquired a van for additional efficiency in their ''Meals on Wheels'' program, and more than quadrupled the size of their HIV/AIDS ''Peer Prevention and Education'' program.

There is no doubt that many people will face difficulties during their lives. At those times, responsible assistance coupled with sensitive caring go a long way to help ease problems. Mark Lieberman, Executive Director of Family Services, and all of the wonderful people associated with this fine organization can take pride in all that they have done, and all that they continue to do each and every day.

The continued need for Family Services is determined by the challenges that individuals, families and our community face. They are moving into their second hundred years of service by building upon community partnerships that will develop and provide essential services for people who need preventive intervention and essential support in order to enhance the quality of their lives.

Mr. Speaker, I urge you and all of our colleagues to join me in wishing Family Services of Montgomery County a most joyous 100th anniversary celebration and our appreciation for a job well done.

SMALL BUSINESS LIABILITY RELIEF ACT

SPEECH OF

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Mr. OXLEY. Mr. Speaker, a number of comments have been made about the process of producing H.R. 5175, the Small Business Liability Relief Act by opponents of the legislation. I find these comments unfair and misleading. The following timeline should help set the record straight. Contrary to the impression that some Members imply in their statements, Minority staff on the Transportation and Commerce Committees have been aware of the basic proposal behind H.R. 5175 for months.

First, during the 103d, 104th, 105th, and early 106th Congresses, the Commerce and Transportation Committees held dozens of hearings with hundreds of witnesses outlining the tremendous problems with the badly broken Superfund program. Dozens of hearings outline that Superfund is an unjust litigation nightmare and has a devastating impact on small businesses. The Committees held hearings on a number of Superfund bills during this time which have provisions that would provide significant relief for small businesses.

On August 5, 1999, H.R. 1300, a comprehensive bill to reform Superfund, passed the Transportation Committee by a vote of 69–2. The bill contains a de micromis exemption, an exemption for small businesses that provide ordinary garbage, and the de minimis and ability to pay settlement policy—generally, all components of the later, H.R. 5175. The Clinton-Gore Administration opposes the bill even though it now has 149 cosponsors, including 69 Democrats.

On October 13, 1999, H.R. 2580 passed in Commerce Committee by a vote of 30 to 21. The bill includes the same legislative language as H.R. 1300 providing a de micromis exemption, an exemption for small businesses that provide ordinary garbage, and the de minimis and ability to pay settlement policy.

In early November 1999, the National Federation of Independent Businesses (NFIB) showed both Majority and Minority staff of the Commerce and Transportation Committee a draft small business liability relief bill which they claimed was the product of two weeks of discussions with the Environmental Protection Agency. The draft clearly had been faxed to NFIB staff from the Office of the Administrator at EPA. NFIB states that this version and earlier versions of the draft bill had been produced at EPA and provided to them through their discussions. NFIB further claims that Administrator Browner was both fully aware of the draft and found the draft bill to be acceptable to EPA.

In June through July of this year, Majority staff of the Commerce and Transportation Committees gave the NFIB–EPA draft fill to legislative counsel to put into proper legislative drafting form. This text was provided to Minority staff. Majority and Minority staff met to discuss this and other Superfund issues.

On August 18, 2000, EPA sent a letter in response to the request of Representative DINGELL about the NFIB–EPA discussion draft bill. EPA noted one problem concerning the prospective application of the de micromis exemption.

On September 14, 2000, a bipartisan group of cosponsors introduced H.R. 5175, the Small Business Liability Relief Act which largely reflects the NFIB–EPA 1999 draft bill and addresses the issue raised by EPA in August 2000. The most significant change between the bill and the NFIB-EPA discussion draft was to address the issue raised by EPA in its August 2000 letter.

On September 19, 2000, NFIB staff met with EPA and Department of Justice (DOJ) staff to review H.R. 5175. NFIB states that EPA and DOJ staff provided line by line comments on technical concerns within the legislation. These comments were relayed to Commerce and Transportation Majority staff.

On September 21, 2000, Majority and Minority staff of the Commerce and Transportation Committees and representatives from EPA and the Department of Justice met to discuss comments on H.R. 5175.

On September 24, 2000, a draft with minor revisions was delivered to EPA and Minority staff offices to address a number of the concerns raised at the meetings of September 19 and 21.

On September 25, 2000, Majority staff invited EPA and Minority staff to meet or to provide any written comments on the revised bill. Neither EPA nor Minority staff accepted the invitation.

On September 26, 2000, H.R. 5175, revised to address certain Minority and Administration concerns, was brought up for a vote.

The small business liability relief issue has had extensive process going back years. The basic NFIB–EPA discussion draft bill had been provided to Minority staff as far back as November 1999. Mr. DINGELL received responses from EPA to his questions concerning the draft in August 2000. The substantive arguments being made by certain Members against the bill—such as those concerning the burden of proof or the size definition of small businesses—are arguments over language that is in these early drafts. There was more than enough time to provide specific written comments to improve the bill.

BORN-ALIVE INFANTS PROTECTION ACT OF 2000

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 26, 2000

Ms. KILPATRICK. Mr. Speaker, under current law, infants who have been born, and are alive, are indeed persons. Therefore, these infants have the same rights as all humans, including receiving the best of care, comfort, food, and shelter. No one on either side of the aisle would dispute this fact. This is why I find it odd that Representatives HYDE and CANADY feel it is necessary to introduce a bill which appears only to restate the current law.

I question the motives behind the introduction of this bill. Of course I will vote for any legislation that I believe will help our children, but I am afraid that the motives for introducing this bill are based more on politics than on how to best serve our children. I think it is an underhanded attempt to trick pro-choice Members. This bill was brought before the Judiciary Committee as one that would serve to protect infants and ensure that they receive the best care possible. Based on this, all but one Member of the Committee voted in favor of the bill. The fact that pro-choice Members supported this bill, forced the bill sponsors to declare their intention to offer a Manager's Amendment. This amendment would have attacked the Supreme Court's rulings on abortion and mischaracterized the current state of abortion rights law. The inclusion of this amendment would have forced pro-choice Members to vote against the bill. In turn, this would have given our colleagues on the other side of this issue the opportunity to say that the pro-choice Members did not support a bill that protects infants, when in reality we would have been forced to vote against such a bill due to its attack on the reproductive rights of women.

I must give credit to my colleague from North Carolina, Representative WATT, for raising the issue of how fast this bill was rushed through the Judiciary Committee. This bill will amend the U.S. Code by defining the terms ''person,'' ''human being,'' ''child,'' and ''individual'' to include ''every infant member of the species homo sapiens who is born alive at any stage of development.'' According to the Congressional Research Service, these terms appear in more than 72,000 sections of the U.S. Code and the Code of Federal Regulations alone. While I would hope that the sponsors of this bill would not have included this change in the language if it would cause a change in the law or in the way the law would be interpreted by the Supreme Court, since the bill was presented as one that did not change current law, I am not totally convinced. As Representative WATT said in the Committee Report on H.R. 4292, this change in language opens the door for many unintended interpretations of the law.

I know that there are many neonatologists who fear that this bill would affect the decisions made by doctors and parents when treating newborns. They are confused, as am I, as to whether this bill would mandate that doctors provide care beyond what they would normally deem to be appropriate for newborns who have no possibility of survival. Doctors are currently obligated to perform procedures that will help a baby to live if there is any chance for survival. Sadly, there are babies who are born with no hope of surviving past the first few moments of live. Doctors should not be forced to perform procedures that will only prove to be futile in prolonging the life of a child. Rather, the rights of the infant should be protected by allowing the infant to spend his few precious moments of life in the arms of his parents.

The Committee Report states that ''H.R. 4292 would not mandate medical treatment where none is currently indicated'' and ''would not affect the applicable standard of care.'' Once again, I am concerned that this bill will open up current law to be interpreted in an unintended manner. Therefore, I think we should spend more time addressing how this bill will affect the current law with respect to doctors, women, and children.

There is already a common law ''born alive'' rule that mandates the prosecution of anyone who harms a person who has been ''born'' and was ''alive'' at the time of the harmful act. In addition, thirty-seven states have already passed explicit statutory laws relating to the treatment of infants who are ''born alive,'' and perhaps most relevant, there is a federal statue known as the ''Baby Doe Law'' that requires appropriate care be provided to a newborn. Therefore, why is this bill necessary? What is the true intent of this proposed legislation? If in fact the true intent is to restate the law which protects our infants, then I will support it. However, if it is being used as a vehicle to attack the Supreme Court's rulings on the reproductive rights of women, I will have to oppose it.

PEACE BY PEACE

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today to honor and recognize several local organizations for their involvement in the fight against domestic violence. In recognition of Domestic Violence Awareness Month, a coalition of local service agencies has launched Peace by Peace, a campaign to increase awareness of this terrible crime.

Peace by Peace is a cooperative project of: Beach Cities Health District, 1736 Family Crisis Center, Little Company of Mary Health Services, Redondo Beach Police Department's Domestic Violence Advocacy Program, National Network to End Domestic Violence, Jo-Ann etc., and the NCADD/South Bay Men's Domestic Violence Treatment Program.

Domestic violence can no longer be ignored. Programs like Peace by Peace bring this issue to the forefront. Through the various workshops that will be held this month, South Bay residents will be able to learn more about domestic violence. It is because of organizations like the Beach Cities Health District and the Little Company of Mary Health Services that the women of the South Bay have access to quality health services in time of need.

I commend these agencies in their fight against domestic violence. The support that they provide is unparalleled. I appreciate their work and the services they provide. They have touched the lives of many throughout the South Bay.

A TRIBUTE TO CHARLES R. TRIMBLE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Ms. LOFGREN. Mr. Speaker, today I rise to recognize the achievements of Charles R. Trimble, the founder of Trimble Navigation Limited and Chairman of the United States Global Positioning System Industry Council. Mr. Trimble is this year's recipient of the American Electronics Association's Medal of Achievement. Recipients of this award are recognized for their significant contributions to the high-tech industry and for distinguished service to the community, the industry and humankind.

Charles Trimble has shown vision and dedication in managing one of America's premier technology companies; his leadership by example has helped mold the success of the U.S. technology industry. Under Mr. Trimble's careful direction, Trimble Navigation Limited grew from a startup housed in a reconstructed theater to the first publicly held company engaged solely in providing GPS solutions. Trimble now has 23 offices in 15 countries; its products are distributed in 150 countries worldwide.

Charles Trimble holds four patents in signal processing and several in GPS. He was a member of the Vice President's Space Policy Advisory Board's task group on the future of U.S. Space Industrial Base for the National Space Council. In 1991, he received INC Magazine's ''Entrepreneur of the Year'' award. Throughout his career, he has published articles in the field of signal processing, electronics, and GPS; he has contributed to a number of technology initiatives in the San Francisco Bay Area, the Silicon Valley, and Washington, D.C.

His interests and influence reach far beyond the scope of the high-tech industry. Charles Trimble was a Member of the Board of Governors for the National Center for Asia-Pacific Economic Cooperation (APEC) and a Member of the Council on Foreign Relations. In 1999 he was elected to the National Academy of Engineering.

I wish to thank Charles Trimble for his dedicated leadership in the high-tech industry and commend him on his admirable accomplishments. I offer my warmest congratulations on being awarded the American Electronics Association's 2000 Medal of Achievement. Furthermore, he has my personal thanks for his many courtesies to me—from sharing his in-depth knowledge of science and technology to stepping forward to advocate intelligent science and technology policies. Charles Trimble is not only a great scientist and industrialist; he is a great human being. My life is richer for having had the chance to know him.

THOUGHTS ON THE APPROPRIATIONS

HON. MARSHALL ''MARK'' SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 2, 2000

Mr. SANFORD. Mr. Speaker, I rise today to share the thoughts of Mr. Roy Parker of

Goose Creek, South Carolina. He sent me a letter to the editor he wrote for The Post & Courier in my hometown in Charleston. Mr. Parker raises a good point that we should think about as we consider the appropriations bills in this election year.

I submit the following article for the RECORD:

HOGS AND ROOTERS

''Root hog or die'' was a frequently used expression during the Great Depression. These words had a very literal meaning, which was that you had to do more than be present to survive.

Now, when you think of hogs and rooters you instinctively think of members of Congress. They pride themselves on rooting out pork and giving it where they think it will do the most good.

This practice has become so commonplace that even some of our respected politicians still defend this practice. In fact, some are so addicted to pork that they are willing to cross party lines to satisfy their addiction.

Beware of politicians bearing gifts—our hard-earned tax money. Beware of politicians who become super conservative prior to election and, if elected, will go to Congress and raise your taxes and vote with the liberals.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 3, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 4

9:30 a.m.

Small Business

To hold hearings on U.S. Forest Service issues relating to small business.

SR–428A

Health, Education, Labor, and Pensions

To hold hearings to examine health care coverage issues.

SD–430

Commerce, Science, and Transportation

To hold oversight hearings to review the findings and recommendations of the Interagency Commission on Crime and Security in U.S. Seaports.

SR–253

Indian Affairs

To hold hearings to examine alcohol and law enforcement in Alaska.

SD–366

2:30 p.m.

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

OCTOBER 5

9 a.m.

Judiciary

Business meeting to consider S. 2448, to enhance the protections of the Internet and the critical infrastructure of the United States; and S. 1020, to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

SD–226

9:30 a.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings to examine the electricity challenges facing the Northwest.

SD–366

Commerce, Science, and Transportation

To hold hearings on tobacco related issues, focusing on how certain States are spending tobacco revenues from the settlement.

SR–253

11 a.m.

Foreign Relations

European Affairs Subcommittee

Near Eastern and South Asian Affairs Subcommittee

To hold joint hearings to examine Russian connections with Iranian weapons programs.

SD–419

Finance

International Trade Subcommittee

To hold hearings to examine trade policy challenges in 2001.

SD–215

OCTOBER 12

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the status of Gulf War illnesses.

SD–124

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed Intelligence Authorization.

Senate agreed to the Conference Report on Energy and Water Development Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S9559–S9642

Measures Introduced: Eight bills were introduced, as follows: S. 3141–3148. **Pages S9605–06**

Measures Reported:

Reported on Friday, September 29, during the adjournment:

H.R. 4447, to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building".

S. 1848, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planing, and construction of the Denver Water Reuse project, with an amendment in the nature of a substitute. (S. Rept. No. 106–437)

S. 2195, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water, with an amendment in the nature of a substitute. (S. Rept. No. 106–438)

S. 2301, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water, with an amendment in the nature of a substitute. (S. Rept. No. 106–439)

S. 2345, to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, with an amendment in the nature of a substitute. (S. Rept. No. 106–440)

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. Rept. No. 106–441)

S. 2865, to designate certain land of the National Forest System located in the State of Virginia as wilderness. (S. Rept. No. 106–442)

S. 2959, to amend the Dayton Aviation Heritage Preservation Act of 1992, with an amendment. (S. Rept. No. 106–443)

H.R. 1680, to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest, with an amendment in the nature of a substitute. (S. Rept. No. 106–444)

H.R. 2919, to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio. (S. Rept. No. 106–445)

H.R. 4063, to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, with amendments. (S. Rept. No. 106–446)

H.R. 4285, to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center. (S. Rept. No. 106–447)

H.R. 2302, to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building".

H.R. 3030, to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the ''Matthew F. McHugh Post Office''.

H.R. 3454, to designate the United States post office located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office''.

H.R. 3909, to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building''.

H.R. 3985, to designate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar City, Florida, as the ''Vicki Coceano Post Office Building''.

H.R. 4157, to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew 'Mack' Robinson Post Office Building''.

H.R. 4169, to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building''.

H.R. 4448, to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the ''Judge Robert Bernard Watts, Sr. Post Office Building''.

H.R. 4449, to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the ''Dr. Flossie McClain Dedmond Post Office Building''.

H.R. 4484, to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the ''Everett Alvarez, Jr. Post Office Building''.

H.R. 4517, to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the ''Alan B. Shepard, Jr. Post Office Building''.

H.R. 4534, to designate the facility of the United States Postal Service located at 114 Ridge Street in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building''.

H.R. 4554, to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, as the ''Joseph F. Smith Post Office Building''.

H.R. 4615, to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the ''Reverend J.C. Wade Post Office''.

H.R. 4658, to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building''.

H.R. 4884, to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the ''William S. Broomfield Post Office Building''.

S. 2804, to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office''.

Reported today:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals''. (S. Rept. No. 106–465)

S. 2829, to provide for an investigation and audit at the Department of Education, with an amendment in the nature of a substitute. (S. Rept. No. 106–448)

S. 1840, to provide for the transfer of public lands to certain California Indian Tribes. (S. Rept. No. 106–449)

S. 2400, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, with an amendment. (S. Rept. No. 106–450)

S. 2757, to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, with amendments. (S. Rept. No. 106–451)

S. 2872, to improve the cause of action for misrepresentation of Indian arts and crafts. (S. Rept. No. 106–452)

S. 2873, to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States. (S. Rept. No. 106–453)

S. 2877, to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, with an amendment. (S. Rept. No. 106–454)

S. 2977, to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles. (S. Rept. No. 106–455)

S. 2885, to establish the Jamestown 400th Commemoration Commission, with amendments. (S. Rept. No. 106–456)

H.R. 2496, to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994. (S. Rept. No. 106–457)

H.R. 3069, to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia, with amendments. (S. Rept. No. 106–458)

H.R. 3292, to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana, with amendments. (S. Rept. No. 106–459)

H.R. 4275, to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness. (S. Rept. No. 106–460)

H.R. 4286, to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama. S. Rept. No. 106–461)

H.R. 4318, to establish the Red River National Wildlife Refuge. (S. Rept. No. 106–462)

H.R. 4579, to provide for the exchange of certain lands within the State of Utah. S. Rept. No. 106–463)

H.R. 1460, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe. S. Rept. No. 106–464)

H.R. 4002, to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger, with an amendment in the nature of a substitute.

S. 3076, to establish an undergraduate grant program of the Department of State to assist students of limited financial means from the United States to pursue studies abroad.

S. 3144, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers. **Pages S9603–04**

Measures Passed:

Intelligence Authorization: Senate passed H.R. 4392, to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2507 (Senate companion measure), and after agreeing to the committee amendments, and the following amendments purposed thereto: **Pages S9577–95**

Lott (for Warner) Amendment No. 4280, to modify the provisions relating to Department of Defense Intelligence activities. **Pages S9581–83**

Lott (for Specter) Amendment No. 4281, to modify procedures under the Foreign Intelligence Surveillance Act of 1978 relating to orders for surveillance and searches for foreign intelligence purposes. **Pages S9581–83**

Bryan (for Feinstein) Amendment No. 4282, 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 of prosecution conducted by the Department of Justice or certain intelligence matters. **Pages S9581–83**

Bryan (for Moynihan) Amendment No. 4283, to improve the identification, collection, and review for declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States. **Pages S9581–83**

Bryan (for Kerrey) Amendment No. 4284, to honor the outstanding contributions of Senator Daniel Patrick Moynihan toward the redevelopment of Pennsylvania Avenue, Washington, D.C. **Pages S9581–83**

Lott (for Shelby/Bryan) Amendment No. 4285, to make certain modifications. **Pages S9581–83**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair appointed the following conferees on the part of the Senate: Senators Shelby, Lugar, Kyl, Inhofe, Hatch, Roberts, Allard, Mack, Warner, Bryan, Graham, Kerry, Baucus, Robb, Lautenberg, and Levin. **Page S9592**

Subsequently, S. 2507 was placed back on the Senate calendar.

National Energy Security Act: Senate resumed consideration of the motion to proceed to consideration of S. 2557, to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly. **Pages S9569–72**

Energy and Water Development Appropriation—Conference Report: By 57 yeas to 37 nays, (Vote No. 261), Senate agreed to the conference report on H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001. **Pages S9572–77**

Small Business Authorization: Senate concurred in the amendment of the House to the Senate amendment to H.R. 2392, to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, with a further amendment proposed thereto: **Pages S9631–42**

Kyl (for Bond/Kerry) Amendment No. 4286, in the nature of a substitute. **Page S9639**

Nominations—Agreement: A unanimous-consent-time agreement was reached providing for consideration of Michael J. Reagan, to be United States District Judge for the Southern District of Illinois, and

Susan Ritchie Bolton, Mary H. Murguia, and James A. Teilborg, each to be United States District Judge for the District of Arizona, on Tuesday, October 3, 2000, with votes to occur thereon. **Page S9595**

California Indian Tribes—Agreement: A unanimous-consent agreement was reached providing that when the Committee on Indian Affairs reports S. 1840, to provide for the transfer of public lands to certain California Indian Tribes, it then be referred to the Committee on Energy and Natural Resources for a period not to exceed 7 calendar days. **Page S9642**

Executive Reports of Committees: Senate received the following executive reports of a committee:

Received on Friday, September 29 during the adjournment:

Report to accompany Treaty with Mexico on Delimitation of the Continental Shelf (Treaty Doc. 106–39) (Exec. Rept. No. 106–19) **Page S9604**

Report to accompany Protocol Amending the 1950 Consular Convention with Ireland (Treaty Doc. 106–43) (Exec. Rept. No. 106–20) **Page S9604**

Report to accompany Inter-American Convention on Serving Criminal Sentences Abroad (Treaty Doc. 104–35) (Exec. Rept. No. 106–21) **Page S9604**

Report to accompany Treaty with Belize for the Return of Stolen Vehicles, Treaty with Costa Rica on Return of Vehicles and Aircraft, Treaty with Dominican Republic for the Return of Stolen or Embezzled Vehicles, Treaty with Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, and Treaty with Panama on Return of Vehicles and Aircraft (Treaty Docs. 105–54, 106–40, 106–7, 105–58, and 106–44) (Exec. Rept. No. 106–22) **Pages S9604–05**

Nominations Received: Senate received the following nominations:

Randolph J. Agley, of Michigan, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of one year. (New Position)

Reginald Earl Jones, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2005. (Reappointment)

Hsin-Ming Fung, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

Edward F. Reilly, Jr., of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years.

Mark A. Weinberger, of Maryland, to be a Member of the Social Security Advisory Board for a term expiring September 30, 2006.

A routine list in the Air Force. **Page S9642**

Executive Reports of Committees: **Pages S9604–05**

Statements on Introduced Bills: **Pages S9606–11**

Additional Cosponsors: **Pages S9611–13**

Amendments Submitted: **Pages S9613–31**

Notices of Hearings: **Page S9631**

Additional Statements: **Pages S9601–03**

Record Votes: One record vote was taken today. (Total—261) **Page S9576**

Recess: Senate convened at 12 noon, and recessed at 6:32 p.m., until 9:30 a.m., on Tuesday, October 3, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9642.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 10 public bills, H.R. 5350–5359; and 3 resolutions, H.J. Res. 110; H. Con. Res. 415, and H. Res 605 were introduced. **Page H8617**

Reports Filed: Reports were filed today as follows.

Filed on Friday, Sept. 29, H.R. 4049, amended, to establish the Commission for the Comprehensive Study of Privacy Protection (H. Rept. 106–919);

H.R. 3484, to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications (H. Rept. 106–920);

H.R. 5267, to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Theodore Roosevelt United States Courthouse" (H. Rept. 106–921);

H.R. 5284, to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse" (H. Rept. 106–922);

H.R. 4187, to assist in the establishment of an interpretive center and museum in the vicinity of the

Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles (H. Rept. 106–923);

H. Res. 603, waiving points of order against the conference report to accompany the bill (H.R. 4578) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–924);

H. Res. 604, providing for consideration of H.J. Res. 110, making further continuing appropriations for the fiscal year 2001 (H. Rept. 106–925);

Page H8616

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Stearns to act as Speaker pro tempore for today.

Page H8553

Recess: The House recessed at 12:31 p.m. and reconvened at 2 p.m. **Page H8553**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Larry Small Post Office, Beachwood, Ohio: H.R. 4315, to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the ''Larry Small Post Office Building;'' **Pages H8554–55**

Commemorating the Birth and Contributions of James Madison: H. Con. Res. 396, celebrating the birth of James Madison and his contributions to the Nation; **Pages H8555–57**

Clifford P. Hansen Federal Courthouse, Jackson, Wyoming: S. 1794, to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse''—clearing the measure for the President;

Pages H8557–58

Teddy Roosevelt Courthouse, Central Islip, New York: H.R. 5267, to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the ''Theodore Roosevelt United States Courthouse;'' **Pages H8558–59**

Owen B. Pickett United States Customhouse Norfolk, Virginia: H.R. 5284, to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Customhouse;'' **Pages H8559–61**

Enhanced Federal Security: H.R. 4827, to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft to the United States or secure area of any airport, to prevent the misuse to genuine and counterfeit police badges by those seeking to commit a crime; **Pages H8570–72**

DNA Analysis Backlog Elimination: H.R. 4640, amended, to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system; **Pages H8572–78**

Stop Material Unsuitable for Teens: H.R. 4147, to amend title 18, United States Code, to increase the age of persons considered to be minors for the purposes of the prohibition on transporting obscene materials to minors (passed by a yea and nay vote of 397 yeas to 2 nays, Roll No. 504);

Pages H8578–80, H8589

Victims of Rape Health Protection: H.R. 3088, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape (passed by a yea and nay vote of 380 yeas to 19 nays, Roll No. 505); and

Pages H8583–88, H8589–90

National Police Athletic League Youth Enrichment: H.R. 3235, amended, 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 nonschool hours. **Pages H8580–83**

Suspension Failed—Privacy Commission Act: The House failed to suspend the rules and pass H.R. 4049, amended, to establish the Commission for the Comprehensive Study of Privacy Protection (failed to pass by a 2/3 yea and nay vote of 250 yeas to 146 nays, Roll No. 503). **Pages H8561–70, H8588–89**

Congratulating Hungary on the Millennium of Its Founding: H. Con. Res. 400, congratulating the Republic of Hungary on the millennium of its foundation as a state. **Pages H8590–92**

Recess: The House recessed at 4:56 p.m. and reconvened at 6 p.m. **Page H8588**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today and appear on pages H8588–89, H8589, and H8589–90. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:23 p.m.

Committee Meetings

''FIRSTGOV.GOV: IS IT A GOOD IDEA?''

Committee on Government Reform: Held a hearing on ''FirstGov.gov: Is It a Good Idea?'' Testimony was

heard from Sally Katzen, Deputy Director, Management, OMB; David Barram, Administrator, GSA; David McClure, Director, Information Technology Management, GAO; and public witnesses.

OVERSIGHT

Committee on the Judiciary: Held a hearing on Preventing and Fighting Crime: What Works? Testimony was heard from the following officials of the Department of Justice: Patrick J. Coleman, Deputy Director, Policy and Management, Bureau of Justice Assistance, and John J. Wilson, Acting Administrator, Office of Juvenile Justice and Delinquency, both with the Office of Justice Program; Bruce C. Fry, Social Science Analyst, Center for Substance Abuse Treatment, Department of Health and Human Services; Lynne Abraham, District Attorney, Philadelphia, Pennsylvania; and public witnesses.

CONTINUING APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate in the House on H.J. Res. 110, making further continuing appropriations for fiscal year 2001, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit.

CONFERENCE REPORT—INTERIOR APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 4578, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representatives Regula, Young of Alaska, Tauzin, Dicks, Dingell, George Miller of California, and John.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D986)*

H.J. Res. 109, making continuing appropriations for the fiscal year 2001. Signed September 29, 2000. (P.L. 106–275)

COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 3, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings on the nomination of Robert B. Pirie, Jr., of Maryland, to be Under Secretary of the Navy, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings on proposals to improve Internet privacy, including S. 2928, to protect the privacy of consumers who use the Internet, 9:30 a.m., SR–253.

Committee on Environment and Public Works: to hold oversight hearings on the use of comparative risk assessment in setting priorities and on the Science Advisory Board's Residual Risk Report, 9:30 a.m., SD–406.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the District of Columbia's progress in achieving its performance goals for FY 2000, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the impact of high fuel cost on low-income families, 9:30 a.m., SD–430.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to continue oversight hearings on the Wen Ho Lee case, 9:30 a.m., SD–226.

Subcommittee on Youth Violence, to hold oversight hearings to examine Office of Justice programs, focusing on drug courts, 9:30 a.m., SD–628.

House

Committee on Appropriations, Subcommittee on Treasury, Postal Service and General Government, on IRS-Electronic Tax Administration, 2 p.m., 2359 Rayburn.

Committee on Banking and Financial Services, hearing on the Farm Credit Administration's National Charter Initiative, 10 a.m., 2128 Rayburn.

Committee on Commerce, Subcommittee on Finance and Hazardous Materials and the Subcommittee on Health and Environment, joint hearing on the Role of the EPA Ombudsman in Addressing Concerns of Local Communities, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing on counterfeit bulk drugs and related concerns, 10 a.m., 2322 Rayburn.

Committee on Education and the Workforce, Subcommittee on Workforce Protections, hearing on Injured Federal Workers on Hold: Customer Communications at DOL's Office of Workers' Compensation Programs, 10 a.m., 2175 Rayburn.

Committee on Government Reform, hearing on the Anthrax Vaccine Immunization Program—What Have We Learned? 11 a.m., 2154 Rayburn.

Committee on International Relations, to continue markup of H. Res. 596, calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide; and to mark up the following measures: H. Res. 577, 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; H. Con. Res. 397, voicing concern about serious violations of human rights and fundamental freedoms in most

states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections; S. 2682, to authorize the Broadcasting Board of Governors to make available to the Institute for Media Development certain materials of the Voice of America; H. Con. Res. 404, calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation of Humanitarian reasons; S. 1453, Sudan Peace Act; H. Res. 588, expressing the sense of the House of Representatives with respect to violations in Western Europe of provisions of the Helsinki Final Act and other international agreements relating to the freedom of individuals to profess and practice religion or belief; H. Con. Res. 414, relating to the reestablishment of representative government in Afghanistan; H. Con. Res. 410, condemning the assassination of Father John Kaiser and others who worked to promote human rights and justice in the Republic of Kenya; H. Con. Res. 361, commending the Republic of Benin; and H. Con. Res. 382, calling on the government of Azerbaijan to hold free and fair parliamentary elections in November, 2000, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration and Claims, to mark up the following: H.R. 5285; Serious Human Rights Abusers Accountability Act of 2000; proposals to amend the Immigration and Nationality Act; and requests for INS reports on private relief bills, 10:30 a.m., 2226 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on Chiropractic Services in the VA, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Health, to mark up the Medicare Refinement and Benefit Improvement Act of 2000, 12 p.m., 1100 Longworth.

Subcommittee on Human Resources, hearing on H.R. 5292, Flexible Funding for Child Protection Act of 2000, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Global Hot Spots, 2 p.m., H–313 Capitol.

Joint Meetings

Conference: meeting of conferees on 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, 3 p.m., H–139 Capitol.

Conference: meeting of conferees on H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, 4 p.m., SC–5 Capitol.

Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED SIXTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 24 through September 30, 2000

	Senate	*House*	*Total*
Days in session	110	100	..
Time in session	849 hrs., 11′	724 hrs., 51′	..
Congressional Record:			
Pages of proceedings	9,558	8,552	..
Extensions of Remarks	..	1,636	..
Public bills enacted into law	33	72	105
Private bills enacted into law	1	1	2
Bills in conference	18	22	..
Measures passed, total	344	550	894
Senate bills	98	43	..
House bills	96	301	..
Senate joint resolutions	8	4	..
House joint resolutions	4	7	..
Senate concurrent resolutions	33	11	..
House concurrent resolutions	25	58	..
Simple resolutions	80	126	..
Measures reported, total	*348	*404	*752
Senate bills	215	25	..
House bills	93	268	..
Senate joint resolutions	2	0	..
House joint resolutions	1	4	..
Senate concurrent resolutions	14	0	..
House concurrent resolutions	3	8	..
Simple resolutions	20	99	..
Special reports	11	13	..
Conference reports	2	14	..
Measures pending on calendar	377	148	..
Measures introduced, total	1,345	2,233	3,578
Bills	1,143	1,832	..
Joint resolutions	17	24	..
Concurrent resolutions	63	175	..
Simple resolutions	122	202	..
Quorum calls	6	3	..
Yea-and-nay votes	260	273	..
Recorded votes	..	226	..
Bills vetoed	1	2	..
Vetoes overridden	0	0	..

*These figures include all measures reported, even if there was no accompanying report. A total of 218 reports have been filed in the Senate, a total of 431 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 24 through September 30, 2000

Civilian nominations, totaling 431, including 142 nominations carried over from the First Session, disposed of as follows:	
Confirmed	166
Unconfirmed	256
Withdrawn	9
Other Civilian nominations, totaling 1,785, including 778 nominations carried over from the First Session, disposed of as follows:	
Confirmed	1,499
Unconfirmed	286
Air Force nominations, totaling 5,782, including 15 nominations carried over from the First Session, disposed of as follows:	
Confirmed	4,977
Unconfirmed	802
Returned to White House	3
Army nominations, totaling 6,029, including 204 nominations carried over from the First Session, disposed of as follows:	
Confirmed	2,512
Unconfirmed	3,515
Returned to White House	2
Navy nominations, totaling 5,595, including 10 nominations carried over from the First Session, disposed of as follows:	
Confirmed	2,418
Unconfirmed	3,175
Returned to White House	2
Marine Corps nominations, totaling 2,827, including 1 nomination carried over from the First Session, disposed of as follows:	
Confirmed	2,729
Unconfirmed	98

Summary

Total Nominations carried over from First Session	1,150
Total Nominations received this session	21,299
Total Confirmed	14,301
Total Unconfirmed	8,132
Total Withdrawn	9
Total Returned to White House	7

Next Meeting of the **SENATE**

9:30 a.m., Tuesday, October 3

Senate Chamber

Program for Tuesday: Senate will resume consideration of S. 2045, H–1B Nonimmigrant Visas, with a vote on final passage to occur at 10 a.m.; following which, Senate will consider the nominations of Michael J. Reagan, to be United States District Judge for the Southern District of Illinois, and Susan Ritchie Bolton, Mary H. Murguia, and James A. Teilborg, each to be United States District Judge for the District of Arizona, with votes to occur thereon.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 am., Tuesday, October 3

House Chamber

Program for Tuesday: Consideration of the conference report on H.R. 4578, Interior and Related Agencies Conference Report (rule waiving points of order, one hour of debate);

Consideration of H.J. Res. 110, Making Further continuing Appropriations (closed rule, one hour of debate); and

Consideration of Suspensions:

1. H.R. 5139, Carl Vinson VA Medical Center, Dublin, Georgia, conveyance of real property;
2. H.R. 284, Leave of Absence for Reservists to Participate in Funeral Honor Guard for Veterans;
3. H.R. 4216, Portable Skills Training Act;
4. H.R. 5178, Needlestick Safety and Prevention Act;
5. H. Res. 278, Importance of Education, Early Detection and Treatment in the Fight Against Breast Cancer;
6. H. Con. Res. 64, Importance of Cervical Cancer Public Awareness;
7. H.R. 238, Imposition of Mandatory Minimum Sentences for Bringing in and Harboring Certain Aliens;
8. H.R. 3484, Child Sex Crimes Wiretapping;
9. S. 2272, Strengthening Abuse and Neglect Courts;
10. H.R. 5350, Children's Protection Act;
11. S. 1198, Truth in Regulating Act;
12. H.R. 4389, Conveyance of Water Distribution Facilities to the Northern Colorado Water Conservancy District;
13. H.R. 2820, Provide ownership and operation of reservation irrigation works by the Salt River Pima-Maricopa Indian Community;
14. H.R. 4503, Historically Women's Public Colleges or Universities Building Restoration;
15. H.R. 4721, U.S. Right, Title, and Interest In A Property in Washington County, Utah;
16. S. 366, El Camino Real de Tierra Adentro National Historic Trail Act;
17. H.R. 5331, Frederick Douglass Memorial and Garden Authorization;
18. H.R. 707, Disaster Mitigation Act;
19. H.R. 5212, Veterans Oral History Project;
20. H.R. 4022, Russian Anti-Ship Missile Nonproliferation Act; and
21. H. Con. Res., 390, Importance of Taiwan's Participation in the United Nations.

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